

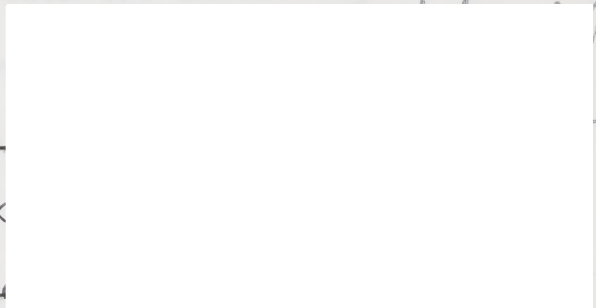
CORRECTIVE ADVERTISING--NEW REMEDY

FOR AN OLD PROBLEM

DEDICATION

This thesis is dedicated to my parents, Mr. and Mrs. Charles H. Norman, Jr. Throughout my life they continuously gave unselfishly of themselves to encourage and guide me in my efforts toward higher education. I am truly grateful to them for the opportunity and support they have given me.

APPROVED:



THIS IS AN ORIGINAL MANUSCRIPT
IT MAY NOT BE COPIED WITHOUT
THE AUTHOR'S PERMISSION



CORRECTIVE ADVERTISING--NEW REMEDY

ACKNOWLEDGMENTS

FOR AN OLD PROBLEM

by

CHARLES H. NORMAN III, B.B.A.

THESIS

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

MASTER OF ARTS

THE UNIVERSITY OF TEXAS AT AUSTIN

January 1974

CORRECTIVE ADVERTISING--NEW REMEDY
FOR AN OLD PROBLEM

D E D I C A T I O N

This thesis is dedicated to my parents, Mr. and Mrs. Charles H. Norman, Jr. Throughout my life they continuously gave unselfishly of themselves to encourage, guide and support me in my efforts toward higher education. I am truly grateful to them for instilling in me the desire to learn and to grow, with aspirations to take advantage of the opportunities beyond formal education.

In Partial Fulfillment
of the Requirements
for the Degree of
MASTER OF ARTS

THE UNIVERSITY OF TEXAS AT AUSTIN
January 1974

assistance the thesis could not have been possible--
from the prominent individuals who wrote personal
letters to me answering questions, to the advertising
agencies (initially Ted Bates, New York) and companies who
provided me with invaluable material and information.

A C K N O W L E D G M E N T S

My sincere appreciation and thanks go to Dr. William A. Mindak for his supervision and direction toward the completion of this thesis. His genuine concern and constant reassurance provided the inspiration necessary to begin and finish the project; I also wish to thank Dr. Earnest A. Sharpe, for participating on my committee and aiding me on final preparations of the paper.

I want to express my deepest gratitude to people who gave of themselves unselfishly and, in turn, made the thesis idea a reality--Dr. Charles T. Clark for his help on computer programming and statistical analysis, Dr. Joseph R. Pisani for his personal counsel and continual flow of ideas in visualizing the project, and R. Donald Vance for his practical suggestions and provision of background material.

Finally, I thank the other many people who contributed their time and effort who without their

assistance the thesis could not have been possible--
from the prominent individuals who wrote personal
letters to me answering questions, to the advertising
agencies (namely Ted Bates, New York) and companies who
provided me with invaluable material and information.

C.H.N.

Austin, Texas

November, 1973

P R E F A C E

In view of the growing concern and interest dealing with truthfulness in the media and the substantiation of promotional claims, this thesis serves to bring into focus the area of deceptive and misleading advertising, and its relationship to consumers and the market. More specifically, the topic and analysis of it deals with the concept of corrective advertising. Devised by Robert Skitol and initiated by the Federal Trade Commission in 1971, the corrective advertising concept seems to be a logical and "straight-forward" idea--when misleading or false advertising runs (usually on a national scale), and the FTC deems it as substantially misrepresenting the truth, then the Commission may require a certain proportion of future advertisements to contain a corrective message. The message supposedly clears up any misunderstanding as to the intent/truth of the original claims in the ad. The advertiser, in essence, admits no wrongdoing and the FTC handles each case on an individual basis, working out specifics, such as media schedules and wording of the corrective ad.

But important questions have arisen among advertisers and their agencies--what is the FTC really up to in this new "remedy"? Is "corrective advertising" the best solution for countering false claims? Is corrective advertising something to concern only those who flagrantly violate the industry's regulation code?

The problem is only simplistic on a superficial level. Many factors need consideration when dealing with the sensitive and perpetually changing area of advertising regulation/interpretation. Consequently corrective advertising is continuously the topic of debate and controversy, not only among advertisers and the FTC, but advertising agencies and the media as well.

Chapters I, II, and III of the thesis trace the development of corrective advertising from its conceptualization to the actual practice of the remedy by three national advertisers. The reasoning behind the idea, the role of the Federal Trade Commission, and the viewpoint of practitioners from agencies, media, and the Commission itself are expressed in the first section of the study. This review of the literature and assimilation of commentary on the subject serve as a basis and springboard

for the second part of the thesis--a pragmatic field study in which original research is conducted. Because so little is known and reported about consumer reaction to corrective advertising, the author feels the area merits deeper examination--for even practitioners question the effectiveness and validity of corrected messages. Although on an exploratory level, the research is geared to find out what consumers actually perceive when viewing an ad deemed deceptive by the FTC and what customers perceive when viewing a corrective ad of the same product. Different reactions could lead to important inferences. More importantly, the author hopes to develop a notion as to whether corrective advertising is really accomplishing its purposes, as set forth by the FTC.

The paper concludes with the author's interpretations of the data from the experiment, an analysis and summary of the pros and cons of the corrective advertising concept, and discussion of what the future holds for the application of this remedy for countering deceptive practices in advertising. The author hopes that this effort can lead to a better understanding of corrective advertising, its manifestations, and its implications. Although

much of the material used to produce this work was obtained from sources with special interests (advertisers, agencies, FTC, etc.), it is ultimately the consumer's viewpoint which is most significant. His reaction and impressions, in the final analysis, will tell whether corrective advertising is a passing phase or is here to stay as the "usual remedy" for deceptive advertising practices. It is hoped that studies like these, and those of a more complex nature, can aid in improving the image, the process, the communication, and the effectiveness of advertising. . . . 2

Rationale	5
II. THE FTC AND ITS RELATIONSHIP TO CORRECTIVE ADVERTISING	12
FTC Background	13
Remedies Available, Interpretations	18
FTC Process	22
Attacks on the FTC and Its Defense as Related to Corrective Advertising	23
Summary	27
III. THE STATE OF THE ART IN THE CORRECTIVE ADVERTISING PROCESS	30
Ways of Doing Corrective Ads	31
Insights to Related Cases	35
The Profile Bread Case	38
The Ocean Spray Cranberry Case	41
The Sugar Case	42
The Effects So Far	45

Chapter	Page
IV. HYPOTHESES AND METHODOLOGY	52
Two Hypotheses	53
Procedure	53
V. RESULTS AND ANALYSIS	57
Statistical Reasoning	57
Test Commercials Analysis	53
PREFACE	vi
LIST OF TABLES	xii
Chapter	
Truthfulness Factors	65
Relevance Factors	65
I. CONCEPT OF CORRECTIVE ADVERTISING--ITS DEVELOPMENT AND RATIONALE	1
Development	2
Rationale	6
Inferences and Summary	75
II. THE FTC AND ITS RELATIONSHIP TO CORRECTIVE ADVERTISING	12
Final Comments	82
FTC Background	13
Remedies Available, Interpretations	18
FTC Process	22
Attacks on the FTC and Its Defense as Related to Corrective Advertising	23
Summary	27
III. THE STATE OF THE ART IN THE CORRECTIVE ADVERTISING PROCESS	30
Ways of Doing Corrective Ads	31
Insights to Related Cases	35
The Profile Bread Case	38
The Ocean Spray Cranberry Case	41
The Sugar Case	42
The Effects So Far	45

Chapter	Page
IV. HYPOTHESES AND METHODOLOGY	52
Two Hypotheses	53
Procedure	53
V. RESULTS AND ANALYSIS	57
Statistical Reasoning	57
Control Commercials	61
Test Commercials Analysis	63
Truthfulness Factors	65
Relevance Factors	65
Interest Factors	67
Open-End Questions	68
VI. CONCLUSION AND INTERPRETATIONS	75
Inferences and Summary	75
Pros and Cons	78
Trends to Expect	81
Final Comments	82
APPENDICES	84
BIBLIOGRAPHY	104

CHAPTER I LIST OF TABLES

Table	Page
1. Ad Ratings by Comparable Consumer Groups	60
2. Statistical Data on Two Profile Breads Ads	66
3. Mean Scores for Groups I and II in Diagram Form	69

CHAPTER I

CONCEPT OF CORRECTIVE ADVERTISING--ITS

DEVELOPMENT AND RATIONALE

Corrective advertising is a relatively new Federal Trade Commission remedy designed to dissipate the effects of deceptive and misleading advertising. Although the status of its constitutionality is being examined and tried, corrective advertising nevertheless has become a genuine concern not only to advertisers and their ad agencies, but for lawyers, government agencies (FTC, FCC, FDA, etc.), media people, and most purposely for the consumer. If the FTC remedy of corrective advertising were ruled unconstitutional tomorrow, the effect of this proposed "solution" for deceptive ads has nevertheless made its impact on the thinking of national and regional advertisers, knowing that the FTC and other groups, consumer as well as governmental, are grasping for and obtaining power to take action against "unfair methods of competition."

Development

In 1970 Proctor and Gamble took out full page ads in Life and Look Magazines for Crest toothpaste, with the headline being "Some people misinterpreted this ad, and we're sorry." (See Appendix I) Although on a completely voluntary basis, this marked the beginning of what the Federal Trade Commission has in reality sought in its requirement for corrective advertising.

Because advertisements are generally designed to create a cumulative effect which long outlives the single impression of one ad, the conventional FTC "cease and desist" order has in a sense become ineffective in many cases. Corrective advertising, the concept of devoting future advertising space or time to the disclosure of previous deceptions, is based on the theory that deceptive advertising has residual effects which may be revoked by future ads unless those ads disclose prior "deceptions."

The development of corrective advertising seems to have evolved with time and been a result of the active interaction of consumer groups, with the FTC. For example, in 1969 Campbells Soup ran television commercials showing closeups of one of its vegetable soups. The FTC claimed

that marbles had been placed in the soup bowls, forcing the vegetables to the top of the bowl in order to create a richer, fuller appearance. Although the FTC provisionally accepted the conventional consent order prohibiting Campbells from using that type of misrepresentation again, a consumers' protection group, Students Opposing Unfair Practices, Inc. (SOUP), petitioned the FTC to withdraw provisional acceptance of the consent order and permit SOUP to intervene. The group challenged that the cease and desist order was inadequate and that Campbells should be required to disclose in future advertisements the FTC allegations of previous deception in their advertising practices.

The Federal Trade Commission declined to permit that intervention and to require corrective advertising in that case, but nevertheless asserted its authority for future cases by stating:

We have no doubt as to the Commission's power to require such affirmative disclosures when such disclosures are reasonably related to the deception found and are required in order to dissipate the effects of that deception.¹

Because the Commission felt the conventional consent order was an adequate remedy, corrective advertising was declared unnecessary in the Campbells Soup case.

Several months later corrective advertising was called for by the FTC in a proposed complaint against Coca-Cola Company. Coca-Cola, accused of making deceptive nutritional claims for its "Hi-C" beverage, was to be prohibited from making any nutrient value claims,

unless the percentage of nutrient value supplied by such product was compared to that contained in a specified, major natural food source of said nutrient is clearly, conspicuously and truthfully disclosed.²

However, the Commission proposed to order Coca-Cola to stop advertising

for any fruit drink product for a period of 1 year . . . unless it is clearly and conspicuously disclosed in such advertisement that the Federal Trade Commission has found false advertising in that the impression of the advertising was that the nutritive value of the product designated "Hi-C" was the equivalent of orange juice or other citrus juices. Said disclosure must consist of not less than 25% of the total space used for such advertisements in printed form and not less than 25% of the total time to each advertisement disseminated on radio or television.³

When Firestone Tire and Rubber Company allegedly ran deceptive claims in its advertisements for the Firestone Super Sports Wide Oval tires, the FTC had its first test on its authority to require corrective advertising. SOUP again intervened and sought an order to require 25 percent of the advertising of safety features during the following year to disclose FTC findings. Firestone

and the Association of National Advertisers, who intervened on behalf of Firestone, both opposed issuance of corrective advertising on the ground that the Commission lacks authority to issue such an order. Although Firestone's claims were unsubstantiated and the claims portrayed in the advertisements were prohibited, the hearing examiner determined that corrective advertising was not necessary in this case for reasons three-fold: it had been a three-year time lapse since the advertisements had ceased, the probability was good that only a few of the deceptively advertised tires were still in use at the time, and finally, empirical research showed only slight residual effects from the original ads.

But more importantly, the hearing examiner went on to assert unequivocally the Commission's power to demand corrective advertising.

The Commission continued to ask for and require corrective advertising by issuing complaints against the manufacturers of Easy-Off Window Cleaner, Easy-On Speed Starch, Aerowax Floor Wax, Black Flag Ant and Roach Killer, Wonder Bread, and Hostess Cakes.⁴ Presently Profile Bread, Ocean Spray Cranberry drinks, and two sugar groups are the

three national cases in which corrective advertising has been ordered and executed. (See Chapter III and appropriate Appendices.)

Rationale

When Robert Pitofsky was director of the FTC's Bureau of Consumer Protection, he explained the reasoning behind the new remedy for deceptive or misleading ads. He pointed out that critics describe corrective advertising as cruel, unusual, unnecessary, but that in reality, that is a superficial, inappropriate description. Pitofsky conceded that for years the Commission's cease and desist order did not work--advertising campaigns are relatively short (26, 52 weeks) and by the time the Commission was able to challenge the advertising in most cases, the campaign was long over. Moreover, because campaigns are designed to produce this cumulative effect, consumers may buy products on the basis of advertising campaigns after parts of the advertising have been found to be illegal and deceptive. Secondly, Pitofsky explained that one of the major purposes of the corrective advertising concept was to aid in the reallocation of market shares, reasoning being that the company that engaged in

deceptive advertising practices might have increased its market share through deceptive practices at the expense of its competitors. The Commission's cease and desist order has proved ineffective in many cases, especially when it could take as long as three years to be issued. Pitofsky said he felt the government has an obligation to go back and reallocate those market shares to where they were prior to the deception.⁵

The idea behind that approach is not to embarrass or disgrace corporations. But, as I've said, to dissipate misleading impressions with a solid dose of accurate information.⁶

Sorenson reiterates that the FTC was in need of more effective remedies for deceptive and misleading ads in order to do its job. In theory, Sorenson said, "The responsible advertiser should not have to worry about the FTC's adoption of a remedy of corrective advertising."⁷

In fact, it was felt that the concept was not only developed in the interest of consumers, but also in the interest of responsible advertisers. Silbergeld added that while advertisers run the risk of being challenged for deceptive advertising, it is also true that advertisers also suffer from the "hangover effect" when competitors run false and misleading advertisements.⁸

Supportive evidence for the reasoning behind their ideas of corrective advertising was implied by a research project developed by Seymour Lieberman, president, Lieberman Research, for a March 1973 meeting of the American Marketing Association in New York. Lieberman and associates created two commercials each for six hypothetical new consumer products, with one commercial being a completely "straight" or factual version and the other a misleading version. Different groups of consumers were then shown the commercials. In all but one of the six examples used in the test, the viewers were successfully deceived by the misleading version of the ad. Various degrees of the deception did occur among the participants, depending upon nature of the product, the execution and presentation of the commercial, and the receptiveness and interest of the consumer toward the product. For example in the commercial promoting the hypothetical Pro-Gro, a plant food that is protein enriched, the viewers more often felt that Pro-Gro is a scientifically formulated plant food. In reality, protein has no effect on nutrient value to plant life whatsoever. In another instance, when consumers were exposed to a spokesman costumed in kilts and speaking with a

Scottish accent advocating the wearing of Heather Mills sweaters, the viewers were twice as likely to believe the product was imported, although the commercial never mentioned where the sweaters were made. Three of the other four fictitious products also interested the consumer to a stronger degree when the deceptive commercial was shown.⁹ This experiment only serves to reinforce the concept that deceptiveness in advertising can, through the power of suggestion, lead the consumer into believing something not literally true.

In effect, then the evolution of corrective advertising followed a somewhat natural course. With the increase in the number of competitors (advertisers and agencies) in the advertising business spectrum, pressure to compete profitably for the consumers' dollar is greater than ever. Fairness in this competition aids the stability of the free enterprise system. Corrective advertising, then, is an attempt to insure this fairness, not only in the light of competition, but for consumerism as well. The development and reasoning behind the idea has merit and logic, but serious questions continue to plague its

usage. Is this the optimum solution for deceptive advertising practices? Is the Federal Trade Commission the agency best equipped to deal with the problem? Is the FTC reaching beyond its inherent powers? Chapter II focuses on advertising and its relationship to the FTC, the originator of the corrective advertising concept.

¹ *Ibid.*, pp. 313-314.

² *Ibid.*, pp. 314-315.

³ American Advertising Federation, 1972 Convention and Public Affairs Conference, "Advertising and the Law," Panel Discussion, p. 1.

⁴ Robert Pitofsky, "Advertising and the New Consumerism," Speech before the American Association of Advertising Agencies, May 14, 1971, p. 7.

⁵ American Advertising Federation, p. 4.

⁶ American Advertising Federation, pp. 4-5.

⁷ "Researcher Shows Impact of Implied Deception," *Advertising Age* (April 12, 1973), p. 2.

FOOTNOTES

¹David A. Anderson and Jonathan Winer, "Corrective Advertising: The FTC's New Formula for Effective Relief," Texas Law Review, Vol. 50, No. 2 (January 1972), p. 313.

²Ibid.

³Ibid., pp. 313-314.

⁴Ibid., pp. 314-315.

⁵American Advertising Federation, 1972 Convention and Public Affairs Conference, "Advertising and the Law," Panel Discussion, p. 1.

⁶Robert Pitofsky, "Advertising and the New Consumerism," Speech before the American Association of Advertising Agencies, May 14, 1971, p. 7.

⁷American Advertising Federation, p. 4.

⁸American Advertising Federation, pp. 4-5.

⁹"Researcher Shows Impact of Implied Deception," Advertising Age (April 12, 1973), p. 2.

CHAPTER II

THE FTC AND ITS RELATIONSHIP TO
CORRECTIVE ADVERTISING

Inherently, when big money and the vulnerability of consumers are involved, some agency (usually governmental) casts an interested eye in the direction of regulation and "fairness" to the parties influenced by those dealings. Advertising is a prime example. The Federal Trade Commission (among others such as the Federal Communications Commission and the Food and Drug Administration) is directly involved with advertising and its effects on consumers. This chapter discusses the background of the FTC and how the agency obtained authority and power in dealing with areas of advertising and its practice. As principal "policeman" over advertising, the Commission has over the years since its 1914 beginning incorporated various remedies against false or misleading advertising. These, along with particular emphasis on corrective advertising, are the topic of analysis.

FTC Background

As a result of spiraling economic growth in from about 1870 to 1910, business monopoly was a way of business in the early 1900's. The Sherman Antitrust Act of 1890 proved ineffective in protecting competition and preventing restraints of the trade and further monopoly. The Supreme Court had ruled that only unreasonable restraints of trade were illegal. Major decisions by the courts in 1911, acknowledging the inadequacy of existing law, served as a basis for the enactment of the Federal Trade Commission Act on September 26, 1914. Congress created the Commission and authorized it to take action against "unfair methods of competition," its primary goal being the protection and preservation of competition. But for many years after its organization in 1915, the Commission was considered as having no power in acting against improper advertising. Not until 1922 in the *Winstead Hoisery Company* case, did the Supreme Court make it fairly clear that the Commission's authority included the regulation of advertising, using the "unfair methods of competition" premise as its basis. Advertising controls have grown slowly through the development of case law under the

general powers granted the Commission, mostly in Section 5 of the Act which stated "unfair methods of competition in commerce are hereby declared unlawful."¹

The Commission was to enforce competition, overseeing that true competition took place--that unfair trade tactics were detected, investigated, and prohibited. In 1938, the FTC obtained broad jurisdiction over advertising through the passage of the Wheeler-Lea Amendments. This grant of authority was largely conceived as insuring competition and protecting competitors from unfair devices, by giving the Commission powers over false, deceptive and unfair advertising.² This act made two significant substantive changes in the original law. One was addition of the words "unfair or deceptive acts or practices" to the inhibitions of the law, meaning that it was no longer necessary for the FTC to show that the practices complained of injure, or could injure competition. Its ramification being that it was sufficient that the practices are unfair or deceptive to the public. Secondly, the Commission was granted affirmative statutory authority to control false advertising of foods, drugs, cosmetics and "devices." Under this section of the amendment, a "false advertisement" constituted not only one that was misleading in a

material respect, but also one that failed to reveal material facts.

Two important procedural changes also emerged from the original law of the Wheeler-Lea Act. The amendments "put teeth" into the enforcement of the Commission's actions. Before, advertisers accepted the possibility of adverse Commission action only as a matter of risk, and court action had been necessary to evolve a final cease and desist order. The Commission's orders became final and enforceable 60 days after service thereof on the advertiser, unless he asked for and seeks court review. Therefore, the enforceability became automatic, with fines assessed against advertisers who continue the violation. Moreover, the Commission could (at the time) obtain a preliminary injunction order against continual false advertising of a product, when the use could be injurious to health.³

As for a definition of "false advertising," the concept has evolved and been developed by Commission order and court decree. Concerning foods, drugs, cosmetics, and "devices," however, such a definition was expressed in Section 15(a)(1) of the FTC Act providing:

The term "false advertisement" means an advertisement, other than labeling, which is misleading in a material respect; and in determining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to the consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual. No advertisement of a drug shall be deemed to be false if it is disseminated only to members of the medical profession, contains no false representation of a material fact, and includes or is accompanied in each instance by truthful disclosure of, the formula showing quantitatively each ingredient of such drug.⁴

Insofar as its policing of advertising, marketing, and merchandising are concerned, the Commission's authority and jurisdiction originated in the following federal statutes (arranged chronologically):

Federal Trade Commission Act (1914)

Clayton Act (1914)

Wheeler-Lea Act (1938)

Robison-Patman Act (1936, 1938)

Wool Products Labeling Act (1939)

Fur Products Labeling Act (1951)

Flammable Products Act (1953)⁵

Textile Fiber Products Identification Act (1958)

Cigarette Labeling and Advertising Act (1965)

Fair Packaging and Labeling Act (1966)⁶

Each statute increased or affected the Commission's power in relation to advertising in some respect. The FTC Act and Wheeler-Lea Act have already been discussed. The Clayton Act (1914) concerned the investigation and policing of discriminatory pricing and related methods from point of view of the effect on competition. The Robinson-Patman Act (1936) (Amendments to Section 2) dealt specifically with advertising allowances and cooperative advertising.

The remaining statutes deal specifically with some type of labeling, packaging or product requirement designed to protect the consumer, by providing him with more (truthful, explicit, etc.) information on the product he consumes.⁷ One can deduce from this sequence of federal laws a new philosophy emerging in the FTC and its priorities--that protection of the consumer and his interests is a growing concern in the execution of the duties and functions of the Commission. Corrective advertising is one prime manifestation growing out of this new way of thinking and interpretation of present laws and regulations governing advertising.

Remedies Available, Interpretations

Traditionally, the remedy utilized in FTC action against false and misleading advertising has been a cease and desist order, which is essentially an injunction telling an advertiser not to repeat the deceptive representation. Frequently, the legal and administrative rights of the parties involved took years to resolve, thus allowing the guilty party to go on with the present, as well as future campaigns. Pursuit for more effective enforcement and meaningful remedies against deceptive or unfair advertising has been the result. Although the remedies being sought may seem to be innovative (namely, corrective advertising), the principal thrust behind the Commission's recent activity is aimed at practices which have been illegal for years. For example, claims for uniqueness for specific products, when, in fact, they have no such qualities, directly or indirectly, is against the law. Some feel that regulations have been changed, when in effect, long existent rules are being enforced with more vigor than before, and by means which hopefully prove more effective. Consequently, the FTC is trying to fashion meaningful remedies in deceptive advertising cases. Corrective

advertising is one such remedy, and the advertiser is held responsible for the claims made in the original ad; however, the Commission may also focus on the responsibility of the advertising agency, and additional relief may be sought there, depending upon the particular case involved.⁸

John Crichton, President of the American Association of Advertising Agencies, commented:

I should emphasize that the Commission does not operate from a stated body of rules or laws, its powers are defined as reaching those advertisements which are "false, misleading or unfair," means . . . well, they mean what the Commission says they mean. If something has the tendency to mislead or deceive, it may be grounds for a complaint. The complaint procedure makes no allowance for ignorance of falsity nor innocent of intent. The claim must be literally true; on the other hand, literal truth has been ruled insufficient, if a misleading impression is created. Finally, even if more viewers or readers are not deceived or misled by an advertisement, the Commission has regarded this as immaterial if a substantial minority is misled, and that minority may consist (in the word of a court) of "the ignorant, the unthinking and the credulous."⁹

An implied sidelight by Crichton to this area of deceptive or misleading claims in commercials and print ads is the subject of puffery, wherein advertisers intentionally exaggerate, over-state, or state superlatives concerning matters of subjective judgment and opinion. An example of a subjective superlative is the claim,

"Nestle's makes the very best chocolate." This may be true, but with permissible puffery it doesn't have to be. It seems difficult for advertisers, as well as the FTC itself (who again is the overseer of this "questionable practice") to determine when the use of puffery is in itself misleading and deceptive to consumers--and if so, what should be done about it. Many advertisers feel that it is an inherent part of the industry and the consumers do not actually believe all claims made in every ad. But, according to a study by Preston and Johnson, there is some evidence to suggest that people do in reality rely upon puffery as fact and thus put themselves in a position to be deceived by that which is false.¹⁰

Corrective advertising could be instrumental in the thought process that leads to creating and using "puffed" claims in advertising. If not from being forced to run corrective ads, then just the fear of the FTC's surveillance and "power" to require such a measure may influence advertisers to become more specific and "truthful" in their claims. As Thain put it,

It is my personal impression that the Commission's aggressive enforcement of the law in the consumer protection area in recent years and, in particular,

the staff's pursuit of the corrective advertising remedy in many major cases, has made advertisers much more responsive to their obligation to carefully screen their advertising for possible deception.¹¹

However, one cannot rule out the possibility of a reverse effect in the area. Advertisers might lean toward the increased use of puffery, realizing that it would be difficult for the FTC to make objective evaluations and charges against such subjective claims.

Restriction, a second type of remedy sought in advertising case, can occur when the Commission charges the respondent for running an unfair or deceptive contest. In these cases, the Commission asks that those who might have been contest prize winners under a fair interpretation be awarded prizes as disclosed in the advertising campaign.

Particularly in the product area where usage of the product is potentially hazardous to the consumer or his property, affirmative disclosures have emerged as a somewhat effective remedy. This refers to the disclosure of additional facts not set forth in the original ad, when those facts might have a material bearing upon a substantial number of purchase decisions.

The excision of a trademark, when by itself is deemed deceptive, and the total banning of a product is also within the Commission's scope, although used only as a last resort remedy when there seems to be no other way to protect the consumer.¹²

The FTC Process

Staffed with some 1300 people in both Washington and in regional offices throughout the country, the Federal Trade Commission investigates complaints of false or misleading advertising made to them by citizens, competitors, public-interest groups. Investigations based on their own monitoring of advertising are also initiated by the staff. Procedurally, the FTC usually operates as follows: After the complaint is initiated, an investigation is undertaken, and a proposed complaint is issued and announced to the public as well as a proposed cease and desist order. In the majority of cases, the alleged violator agrees to sign the cease and desist order, which then in effect has the same force as an injunction. Continued violation of the order subjects the offender to a potential \$5,000 a day fine. If the defendant refuses to

accept the cease and desist order, he possesses the right to a hearing before an FTC hearing examiner and beyond, including a review before the Commission itself. Appeals can be carried up through the Federal Courts, although the procedure proves very time consuming and relatively expensive. Most businesses capitulate relatively early and agree to the order.¹³ (For a more in depth look at the FTC procedure as commonly followed in advertising cases, see Appendices II and III.)

Attacks on the FTC and Its Defense As
Related to Corrective Advertising

The Federal Trade Commission is not by any means without its critics. Although he feels the FTC has done the advertisers more good than harm, concerning the FTC organization, Colihan states:

There are 3 distinct groups within the FTC--the 5 commissioners (who range from conservative to radical and have chairman but not a chief--nobody who can say this is what we think and what we're going to do), the legal staff, and the hearing examiners, who are so independent they're not even in the same building.¹⁴

Tom Dillon, president of Batten, Barton, Durstine and Osborn, Inc., has attacked the FTC process of appeals:

You are really presumed guilty in practice by both the Commission and the reviewing courts. It is true that you will get a hearing before the full commission of the FTC, if you chose to have one, but you are getting a hearing from the same prosecutors, judge and jury that have already presumed you were guilty and already fixed your sentence.¹⁵

As one continues to research the Commission's relationship to corrective advertising, it becomes apparent that the Federal Trade Commission is more deeply involved than just requiring corrected ads to be run again with an approved modification. Media, as well as advertisers and their agencies, have expressed concern. Carl M. Watson, Director of Broadcast Standards at NBC, expressed this viewpoint,

As you might expect, we in the Broadcast Standards are of the networks are firmly of the opinion that the best way to avoid the necessity of any call for corrective advertising is to establish a means which assures the advertising is correct in the first place. It is my personal opinion that the FTC while seeking more authority such as trade regulations has failed to exploit the self-policing facilities of media; it has been remiss in not cooperating with advertisers in establishing product classification guidelines as they did for "guarantee" and pet foods. Provided with such guides, the broadcast industry would be in a position to implement their standards and avoid counter advertising.¹⁶

Although the Federal Trade Commission is criticized for its policies, procedures, and remedies concerning the

evolution of more stringent regulations on advertising, it has its defendents.

Bill Bernbach believes that the new FTC restrictions and remedies will stimulate creativity and in turn, make advertising even more effective than ever. Artistry is the single most important selling tool. He says,

Up to the present time the FTC has done little more than the law has always permitted them to do, although the Commission had failed to exercise the full scope of its powers in the past. It is true the FTC has developed certain new remedies to meet the problems of deceptive and unfair advertising, but I expect that these will be upheld substantially in the Courts. I am convinced that the advertising industry has the capacity to meet these challenges and develop even more meaningful and effective advertising.¹⁷

Constitutionality and the right for the FTC to require advertisers to run corrective ads and enforce other remedies remains a question. Many prominent individuals, both inside and outside the Commission, feel that rapid changes in technology, accompanied by changes in advertising and changes in advertising and changes in customers' ways of thinking, have perhaps resulted in an out-moding of old principles necessitating a revision of the standards of conduct. The principle of flexibility regarding law enforcement for the FTC has been upheld in

the Supreme Court. In the National Lead case in 1957 the Court expressed:

if the Commission is to attain the objectives Congress envisioned, it cannot be required to confine its road block to the narrow lane the transgressor has traveled; it must be allowed effectively to close all roads to the prohibited goal, so that its order may not be bypassed with impunity . . . Congress had placed the primary responsibility for fashioning orders upon the Commission. These cases narrow the issue to the question: Does the remedy selected have a "reasonable relation to the unlawful practices found to exist?"¹⁸

In 1972 when Miles Kirkpatrick was Chairman of the Federal Trade Commission he expressed the idea that it is true that the FTC sometimes issues complaints or proposed orders which are different from past complaints or orders. According to him, Congress expected and intended for the Commission to do exactly that. All regulatory agencies, the FTC included, were established for several purposes, one being to explore new principles, develop public policy, and fashion procedures for dealing with new conditions and changing situations. And as advertising techniques change and develop with time, and, Kirkpatrick continues,

as our understanding of the impact of such techniques develops or changes, so too must the application of the words "unfair" or "deception" change in the interest of sound public policy.¹⁹

Summary

The FTC is continuing and increasing its efforts to protect the consumer and others involved, from false and misleading claims, even if this pursuit lends itself to the adoption of new requirements, regulations or remedies, directly stated or implied in the 1914 Federal Trade Commission Act and amendments henceforth. Corrective advertising, then, is within this scope of FTC authority. How significant a role the FTC plays in the actual construction of a corrective ad is a case by case approach. The ways in which corrective ads might be done and how the FTC relates to this area is discussed in Chapter III.

⁷ Simon, pp. 504-509.

⁸ Gerald Thain, "New Remedies of the FTC," Speech before the Subcommittee on Activities of Regulatory Agencies Relating to Small Business, June 18, 1971, pp. 1-3.

⁹ Crichton, p. 7.

¹⁰ Ivan L. Preston and Ralph H. Johnson, "Puffery-- A Problem the FTC Didn't Want (and May Try to Eliminate)," *Journalism Quarterly*, Vol. 49, No. 3 (Autumn 1972), p. 558.

¹¹ Personal letter from Gerald Thain, Assistant Director for National Advertising at the Bureau of Consumer Protection, to Charles H. Sorman III, August 29, 1973.

¹² Thain, "New Remedies of the FTC," pp. 4-5.

29

FOOTNOTES

¹Morton J. Simon, The Law for Advertising and Marketing (New York: W. W. Norton & Co., 1956), pp. 500-504.

²John Crichton, "Consumerism and Government Regulation in the USA," Speech to the Institute of Practitioners in Advertising, November 3, 1972, p. 3.

³Simon, p. 506.

⁴Ibid., p. 524.

⁵Ibid., p. 504.

⁶Gaylord A. Jentz, "Federal Regulation of Advertising: False Representation of Composition, Character, or Source and Deceptive Television Demonstrations," American Business Law Journal, Vol. 6, No. 1 (Spring 1968), p. 409.

⁷Simon, pp. 504-509.

⁸Gerald Thain, "New Remedies of the FTC," Speech before the Subcommittee on Activities of Regulatory Agencies Relating to Small Business, June 18, 1971, pp. 1-5.

⁹Crichton, p. 7.

¹⁰Ivan L. Preston and Ralph H. Johnson, "Puffery-- A Problem the FTC Didn't Want (and May Try to Eliminate)," Journalism Quarterly, Vol. 49, No. 3 (Autumn 1972), p. 558.

¹¹Personal letter from Gerald Thain, Assistant Director for National Advertising at the Bureau of Consumer Protection, to Charles H. Norman III, August 29, 1973.

¹²Thain, "New Remedies of the FTC," pp. 4-5.

¹³Kenneth Greenstein, "Advertising and the New FTC," Speech before the Seminar for Account Service People in the American Association of Advertising Agencies, September 27, 1972, pp. 2-3.

¹⁴William J. Colihan, Jr., "An Overview of the Washington Scene," Speech before the American Association of Advertising Agencies Eastern Annual Conference, June 5, 1972, p. 2.

¹⁵Tom Dillon, "How the FTC Stacks the Deck," Speech before the American Association of Advertising Agencies, May 19, 1973, p. 7.

¹⁶Personal letter from Carl M. Watson, Director of Broadcast Standards at the National Broadcasting Company, Inc., to Charles H. Norman, III, June 15, 1973.

¹⁷Greenstein, p. 11.

¹⁸Thain, "New Remedies of the FTC," p. 6.

¹⁹Miles W. Kirkpatrick, "Responsibility, Reformation and Regulation--With or Without Tears," Speech before the American Association of Advertising Agencies, March 16, 1972, pp. 3-4.

Ways of Doing Corrective Ads

C H A P T E R I I I

THE STATE OF THE ART IN THE CORRECTIVE

ADVERTISING PROCESS

While FTC has come to view corrective advertising as a "usual remedy" in proposed complaints dealing with deceptive practices, one might inquire how corrective ads are done, what are some case examples and what initial efforts have been observed and felt by the advertisers, the agency, and most importantly the consumer. Discussion in this chapter centers around these three topic areas, with emphasis placed on three national advertisers who have actually run corrective ads. Several cases in which the FTC initially requested corrective advertising and eventually settled by other means, as well as reasons behind these decisions are mentioned briefly. Because of the relatively small amount of research conducted as yet on the effects of such advertisements, only initial views and projections are presented and related.

Ways of Doing Corrective Ads

Several potential methods of making a corrective ad have been proposed and each method seems to possess merit and consideration. But each possesses limitations and invites difficulties. Determining the content and authorship of corrective ads looms as one of the most difficult obstacles in making the remedy workable. First, the advertiser could be compelled to disseminate a standard corrective message which the FTC had prescribed, stating that previous product ads were alleged by the Commission to have been deceptive. Critics to this approach point out that the processes of communication are subtle and complex and that rarely could this approach counteract a message created with the talents, research tools, and economic resources available to the advertising industry. The possibility of prescribed corrective messages has not been ruled out by the FTC. The initial corrective advertising proposals state only that a certain portion of the advertiser's space or time must be devoted to "clear and conspicuous" disclosure that the Commission has alleged deceptions in previous advertisements. The FTC's definition of a "clear and

conspicuous" disclosure in television commercials amounts to specific standards of time and size, duration and volume to assure that the disclosure is long enough, loud enough and large enough to be seen and heard. It must be made simultaneously in audio and video, must be presented in close time proximity to the representation to which it relates, and must be in language that can be understood by the audience for whom the commercial is intended.

Another possible way of creating corrective ads is to give time and space to a special-interest group, who might be more likely to create a more effective message in counteracting the original deceptive claim. The utility of such an approach is exemplified by the American Cancer Society in their anti-smoking commercials. However, problems are inherent in this method--namely, continual control and supervision of the group designing the corrective ads would be required, message corrections would have to be confined to preventing deception through revocation of residual misimpressions, the FTC would have to referee disputes between manufacturer and interest group, and finally, a true appropriate interest group would have to be found.

advertising concept.

Thirdly, the FTC might acquire its own advertising expertise or contract with a private ad agency. Effective corrective advertising could be devised by these professional advertising personnel working for the FTC. However, the idea behind a governmental advertising agency seems unlikely to be compatible or acceptable to those involved in the advertising industry.

Permitting the advertiser to design his own corrective ads, subject to the Commission's approval, was the method initially used. (See Appendix IV for Profile Bread.) Its chief advantage is that of having professionals produce the ads without entangling outside groups or the FTC in the creative process. The most significant disadvantage is that there is little incentive for the advertiser to make the corrective ad effective.¹ However, one must also consider that if a national advertiser is investing a substantial amount of money in his promotional campaigns, and 25 percent goes toward corrective advertisements, then he and his agency will try to create ads that are not detrimental to his company and product image and, hopefully, improve that image with customers. That idea questions the rationale behind the corrective advertising concept.

The FTC staff has determined that the optimum way of dealing with false impressions, created by some advertising, is to resort to the same techniques that the advertising resorts to (the same media, method, people, and techniques) and relay the facts about the products to the consumer in the way in which the deception was done.²

Most FTC proposals call for corrective advertising to be run for one year for approximately 25 percent of the advertising. The 25 percent corrective ad figure was an arbitrary figure adopted so as to constitute some initial basis from which consent negotiations would proceed or to which proof at the hearing could be directed.³ However, one must keep in mind that the method used is that of a case by case approach, and certain other requests may be attached to the Commission's order. For example, in a case currently being examined, the FTC is seeking corrective ads to be run for two years, on the basis that "residual deception" in that particular category is greater than others. In the three national cases involving corrective advertising (see Appendices IV, V), each advertiser consented to run its corrective advertising for a one-year period. In the case concerning Ocean

Spray Cranberry Juice Cocktail, the FTC supplied the specific wording of the commercial to be used. The Commission's Bureau of Consumer Protection announced that this will essentially be the standard procedure in future cases.⁴ In general, the FTC does not intend to get into the business of creating ads itself, but will try to design orders to require that proposed corrective advertisements are subject to approval by the FTC or a member of its staff.⁵

Insights to Related Cases

Since the controversial program was first proposed in 1971, three national advertisers--Profile Bread, Ocean Spray Cranberry Juice, and the Sugar Association and Sugar Information, Inc.--have run corrective advertising. Several cases, where corrective advertising is the proposed remedy, are presently in litigation. Other cases, where corrective advertising was the original proposed remedy, have been dropped, modified, or lost. But as mentioned previously, each case is handled on a case by case basis.

Several cases merit discussion in order to set the stage for a more comprehensive examination of national advertiser's corrective advertising. In 1970, Proctor and

Gamble ran a magazine advertisement which asked in bold type at the top of the page, the following question, "If both parents brush with Crest, will the baby have strong teeth?" (See Appendix I) Showing a picture of a pregnant woman, the ad finally got around to explaining that if both parents use Crest, chances are that the children will also and, if they do, they are likely to have strong teeth. Voluntarily, a short while later, Proctor and Gamble took out full-page ads in the same magazines in which the original had run with the headline saying "Some people misinterpreted this ad, and we're sorry." Set out in the same ad was an explanation that what Crest had said had nothing to do with heredity, but that the protection against cavities was due to the inherent properties of the toothpaste itself.⁶ This case has served as a prime example in illustrating what the FTC expects in its corrective advertising requests.

But several cases against advertisers have been dropped or the original request modified by the FTC during the litigation procedures of some cases. As an example, the FTC originally sought corrective advertising against Coca-Cola for its Hi-C fruit-flavored drink advertising.

The FTC charged that from 1969-1971 Hi-C ads falsely set up the drink as equal to orange juice and other fruits, deceptively pictured it as made of fresh fruit, deceived consumers on nutritional claims by calling it "the sensible drink," and suggested one could "drink all you want without effects from high sugar content." The staff has dropped the request for corrective advertising because Coca-Cola's sharp increase of Vitamin C content in Hi-C "diminishes" public interest in corrective previous claims. The Commission is still seeking a cease and desist order.⁷

Although only in East Coast media, Trans World Airlines has run corrective advertising following pressure from the National Air Carriers Association, which claimed that ads run by TWA in March, 1972, unfairly compared its group inclusive tour plans with charters. TWA's original ads asserted that supplemental carriers don't offer TWA's "Ambassador" service, when in reality "Ambassador" is a trade name and many charter carriers offer similar service. Trans World has also made misleading claims about supplemental carriers not having offices and staffs worldwide, as TWA does. But many

charters, in fact, do maintain such offices. The original ads also claimed that tour plans do not have "hidden service charges" as do charter plans, but it was pointed out that inclusive tour charter rules preclude any service charges. TWA ran the corrective ads in order to settle the dispute as a compromise between the two parties and "in the interest of settling any possible confusion."⁸ It is interesting to note that on the whole this case was settled through negotiation and compromise without direct FTC involvement.

In summary, then, it becomes even more apparent that each case in itself has its unique aspects and must be and is dealt with in an individual manner. The three following examples reinforce the idea.

The Profile Bread Case

On July 2, 1971, the Federal Trade Commission announced provisional acceptance of a consent order which contained the first corrective advertising provision obtained by the Commission. ITT Continental Baking Co., Ind., and its advertising agency, Ted Bates and Co., agreed to the order requiring for one year after it

became final that at least 25 percent of the advertising expenditures (excluding production costs) for Profile Bread would be devoted to FTC-approved corrective ads. The advertisements were to contain the explanation that Profile is not effective for weight reduction, as could be interpreted from previous advertising. Approved radio and television commercials were to be aired in the same time periods and seasons as other Profile ads, and approved print advertising had to appear in the same vehicle as other Profile ads.

The order also prohibited such weight reduction misrepresentations as claiming Profile:

- 1) Provides significant benefits toward losing or controlling weight.
- 2) Is lower in calories than ordinary bread if the reduced calorie intake is attributable to thinner slices.
- 3) When used for appetite appeasement, will cause weight loss without adhering to a diet containing less calories.

Allegations in the complaint claimed that Profile misled consumers to believe the bread contained fewer calories than ordinary bread and was of significant value in weight control diets. However, each slice contains only about five less calories (thinner slice) and eating

two Profile slices before lunch and dinner will not result in weight loss without reduced calorie diets, as claimed.⁹

The FTC was allowed to withdraw its acceptance of an agreement after further consideration; the public was allowed to comment and make suggestions for approximately a month before the order became final; the orders in general are not an admission by the parties involved that the law has been violated, but for settlement purposes only.

The corrective commercial created by Ted Bates for TV did run for the designated one-year period. No print ads were run. There are conflicting reports on what percentage of the time the corrected ad actually ran, (60% to 25% depending upon the source), but Arthur Ostrove, Continental Baking's ad director speculated it was more than 25 percent required but substantially less than the 60 percent reported.¹⁰ (For a more comprehensive analysis of this advertisement see Chapter IV and Apprndix IV.)

The Ocean Spray Cranberry Case

Ted Bates was again involved with another corrective advertising episode, when on May 4, 1972, one of its accounts, Ocean Spray Cranberries, Inc., agreed to run corrective ads stemming from alleged deceptions in television and magazine advertisements offering cranberry juice cocktail as a breakfast beverage in competition with orange and tomato juice. The complaint also alleged that the firms falsely advertised the drink as a substitute for other juices because it is more nutritious and that it contains cranberry juice entirely. The agreement prevented Ocean Spray from talking about "food energy" for its cranberry drink unless it discloses that it is referring to calories.¹¹

The order specifically forbids claims that any beverage made by Ocean Spray or advertised by Ted Bates (as a cranberry product):

- 1) Contains as many or greater variety or quantity of nutrients than any other beverage, unless it is true.
- 2) Has more "food energy" than other beverages unless disclosure is made that "food energy" is in actuality calories.

- 3) Is a "juice" unless it is made of purely natural or reconstituted single strength fruit juice with no water added.¹²

The settlement requires a minimum of one out of four ads, or 25 percent of its media expenditures for one year, to explain in corrective language that in discussing food energy, Ocean Spray did not mean vitamins and minerals, but calories.

Specific corrective language was written by the FTC, implying this as the future standard procedure.

The required statement is as follows:

If you've wondered what some of our earlier advertising meant when we said Ocean Spray Cranberry Juice Cocktail has more food energy than orange juice or tomato juice, let us make it clear: we didn't mean vitamins and minerals. Food energy means calories, nothing more.

Food energy is important at breakfast since many of us may not get enough calories, or food energy, to get off to a good start. Ocean Spray Cranberry Juice Cocktail helps because it contains more food energy than most other breakfast drinks.

And Ocean Spray Cranberry Juice Cocktail gives you and your family Vitamin C plus a great wake-up taste. It's . . . the other breakfast drink.¹³

The Sugar Case

On August 18, 1972, the Sugar Association and Sugar Information Inc. agreed to running corrective ads

for misleading weight reduction claims the two associations had used in a 1969-1971 advertising campaign. The consent order provision contained a mandatory corrective advertising segment, and prohibits the associations from making false and unsubstantiated weight-reduction claims for refined sugar and misrepresenting its nutritrional value in weight-reduction dieting. The order prohibited the two associations and Leo Burnett Co., Inc., their ad agency to claim that:

- 1) Refined sugar contributes to weight reduction or to prevention of weight gain unless that conclusion is sufficiently substantiated.
- 2) Refined sugar supplies food energy uniquely compatible for individuals trying to lose weight or prevent weight gain.
- 3) Food energy from refined sugar acts other than as a body fuel for purposes of weight reduction or preventing weight gain.¹⁴

The original claims led the consumer to believe that eating sugar and foods containing it shortly before meals is effective in losing weight.

This specific case is particularly interesting for several reasons. This was the first time that an advertiser has agreed to a specific insertion schedule.¹⁵ And this marked the first time the FTC had modified

corrective advertising provisions due to public comment. Objections were raised concerning the noncorrective portion of the ad, and based on the comments, the Commission's final order included only the first two paragraphs, the corrective portion. The following two paragraphs were to be clearly and conspicuously stated in the corrective ads:

HEADLINE: THE PLAIN TRUTH ABOUT YOUR SWEET TOOTH

COPY: Do you recall the messages we brought you in the past about sugar? How something with sugar in it before meals could help you curb your appetite?

We hope you didn't get the idea that our little diet tip was any magic formula for losing weight. Because there are no tricks, or shortcuts, the whole diet subject is very complicated. Research hasn't established that consuming sugar before meals will contribute to weight reduction or even keep you from gaining weight.¹⁶

The Commission required full-page corrective advertisements in the following publications:

McCall's	December 1972
Saturday Review	December 1972
National Geographic	February 1973
Time	February 1973
Vogue	February 1973
Parents	April 1973
Reader's Digest	April 1973 ¹⁷

The Effects So Far

As with most modifications, procedural alterations, and changes in attitudes dealing with organizational processes and remedies for problems, the overall effect of the corrective advertising concept is difficult to determine. With only two years exposure with three national advertisers, together with controllable as well as uncontrollable economic and environmental variables, analysis of corrective advertising effects on product sales, company image, and consumer attitudes can only be generalized. Conflicting reports on who did what, when, and how many times makes the task even more difficult. But at least on the surface, some reports have related to these effects.

For example, in the Profile Bread case, one governmental official commented that ITT Continental Baking Co. liked the corrective ad so much that the company aired the commercial, 60 percent of its schedule. But Continental Baking's ad director reported that in no instance has it been aired appreciably above the 25 percent required. As far as the effect on Profile's sales, the ad director noted that sales were down tremendously after ten months of running the commercial. But he added that:

It's difficult to attribute the poor sales trend to one commercial specifically. It is safe to say that the beginning of the negative sales trend coincided with broadscale adverse publicity that occurred regarding Profile and the FTC order.¹⁸

In the noted voluntary corrective ad which Proctor and Gamble ran for Crest toothpaste, Pitofsky pointed out that the Company's stock had not "fallen through the floor in the Stock Exchange." No serious setbacks to the company occurred as a result of the ad and Pitofsky felt that the gesture "was a responsible and praiseworthy act and reflected very well on that company and its agency and advertising generally."¹⁹

Ocean Spray and the two sugar trade associations have not reported the effects so far of their efforts in corrective advertising, although the sugar groups have ceased advertising for the time being to reevaluate their promotional program.

In practice, corrective advertising could produce several different effects. An increase in overall advertising volume is not out of the picture. If an advertiser has an almost limitless budget, he could simply increase his total advertising expenditures so as to offset the effects of the corrective portion. If corrective advertising is viewed as being disproportionately effective,

the increase in total volume could be larger than the amount of corrective advertising required. But this effect might be improbable as exemplified in the anti-smoking campaign, where tobacco companies reduced advertising volume in the broadcast media rather than combat the American Cancer Society.

As far as the effect on consumers is concerned, corrective advertising in theory serves, in one sense, to contradict, or at least neutralize, impressions supposedly built up in previous campaigns. Difficulty lies in the lack of assurance that the corrective advertising will reach the original consumer although the same media, markets, time periods, and seasons are generally used. Hence, consumer confusion is a likelihood that should be considered.

Advertisers might find it difficult to limit corrective advertising to the specific product that was deceptively advertised. Theoretically, corrective advertising is designed to affect only that product advertised in a deceptive manner; however, consumer reactions might well spill over into other product lines, and feasibly be detrimental to the company image and advertising industry as a whole.²⁰

results Commissioner Mary Gardner Jones feels that in the long run the remedy may encourage advertisers and their agencies to be more cautious in their advertising, for fear of or respect for corrective advertising.

It is my impression, and strictly an impression that the concept of corrective advertising . . . may have served some purpose in causing advertisers and their lawyers to be more responsible and careful about their advertising claims.²¹

However, even Miss Jones has expressed her concern over the Commission's use of the remedy. Although admitting an inordinate fondness for the FTC, she does feel some criticism of the corrective ad concept is justifiable. For example, the Commissioner herself has accused the Commission of "cowardice" in its failure to offer "guidance" as to when it would utilize the remedy.²²

It isn't fair to hold out the threat of corrective advertising and yet not block out the circumstances in which it would be ordered. . . . It's sort of like waving a gun and not saying who you're going to shoot.²³

As implied in the discussion of the overall effects of corrective advertising, no one is really certain of how the concept is/will be affecting the consumer, the media, the advertisers and their agencies. Speculation rather than research has been the consensus for evaluating its

results. In the remaining chapters of the thesis the author hopes to relate his original research on the subject. Although a pilot study and limited in scale, it is hoped that the experiment described forthcoming will lead to a more extensive and sophisticated research project designed to test the true effects of corrective advertising and answer the question: Is corrective advertising accomplishing its purpose?

¹Wicofsky to Charles H. Norman, III, August 23, 1973.

²Kent Felix, "Who's That Knocking at My Door?" Speech before the American Association of Advertising Agencies, June 5, 1972, p. 6.

³Personal letter from Gerald Thain, Assistant Director for National Advertising at the Bureau for Consumer Protection, to Charles H. Norman, III, August 29, 1973.

⁴Wicofsky, "Advertising and the New Consumerism," p. 7.

⁵John Revett, "FTC Staff Drops Corrective Remedy as Hi-C Appeal Takes New Approach," Advertising Age (March 19, 1973), p. 3.

⁶"TWA Runs Corrective Ads to Settle CAB Complaint," Advertising Age (April 9, 1973), p. 86.

⁷"Profile Brand Involved in FTC's First Corrective Advertising Order," Federal Trade Commission News, July 2, 1971.

⁸"Continental Says It Will Stop Corrective Ads," Advertising Age (May 22, 1972), pp. 1 and 122.

FOOTNOTES

¹David A. Anderson and Jonathan Winer, "Corrective Advertising: The FTC's New Formula For Effective Relief," Texas Law Review, Vol. 50, No. 2 (January 1972), pp. 329-332.

²Robert Pitofsky, "Advertising and the New Consumerism," Speech before the American Association of Advertising Agencies, May 14, 1971, p. 6.

³Personal letter from Robert Pitofsky to Charles H. Norman, III, August 22, 1973.

⁴Kent Felix, "Who's That Knocking at My Door?" Speech before the American Association of Advertising Agencies, June 5, 1972, p. 6.

⁵Personal letter from Gerald Thain, Assistant Director for National Advertising at the Bureau for Consumer Protection, to Charles H. Norman, III, August 29, 1973.

⁶Pitofsky, "Advertising and the New Consumerism," p. 7.

⁷John Revett, "FTC Staff Drops Corrective Remedy as Hi-C Appeal Takes New Approach," Advertising Age (March 19, 1973), p. 3.

⁸"TWA Runs Corrective Ads to Settle CAB Complaint," Advertising Age (April 9, 1973), p. 86.

⁹"Profile Bread Involved in FTC's First Corrective Advertising Order," Federal Trade Commission News, July 2, 1971.

¹⁰"Continental Says It Will Stop Corrective Ads," Advertising Age (May 22, 1972), pp. 1 and 122.

- 11 "Ocean Spray Must Run Corrective Ads on Food Energy," Advertising Age (May 8, 1972), p. 1.
- 12 "Order Bans False Claims for Cranberry Drink, Requires Corrective Ads," Federal Trade Commission News Summary, No. 10, May 1-15, 1972.
- 13 "Ocean Spray Must Run Corrective Ads on Food Energy," pp. 1 and 133.
- 14 "FTC Modifies Corrective Advertising Provision of Order Against 2 Sugar Trade Associations," Federal Trade Commission News, November 16, 1972.
- 15 "Sugar Groups Agree to Run Corrective Advertising," Advertising Age (August 21, 1972), p. 1.
- 16 "FTC Order Against 2 Sugar Trade Associations Requires Corrective Ads and Bans False Claims," Federal Trade Commission News (August 18, 1972), p. 1.
- 17 Ibid.
- 18 "Continental Says It Will Stop Corrective Ads," p. 122.
- 19 Pitofsky, "Advertising and the New Consumerism," p. 7.
- 20 Anderson, pp. 326-329.
- 21 Personal letter from Mary Gardner Jones, FTC Commissioner, to Charles H. Norman, III, August 3, 1973.
- 22 Lucia Movat, "'Subtle' Ad Deception Keeps FTC Officials on Their Toes," Austin American-Statesman, August 26, 1973, p. B17.
- 23 Ibid.

CHAPTER IV

HYPOTHESES AND METHODOLOGY

Basic to the idea of consumer behavior is consumer attitude--or from an advertising perspective, the predisposition to buy. Consequently, consumer reaction to various advertisements can lead to important insights into the attitude one has about a product and the perception one forms when exposed to an ad of the product. Therefore, certain questions about corrective, as well as deceptive advertising, and their practices seem worthy of exploration and explanation. For example, doubt has been raised on the consumer reaction to false and misleading advertising. Do consumers really believe the claims set forth in these ads? What is remembered after viewing a "deceptive" ad? Furthermore, when corrective advertising replaces an original ad to "clear up any misunderstandings," is it believed to any more extent than the deceptive ad? Are "corrective" ads recognizable (versus regular version ads)?

In order to find answers to these and similar questions, the author set out to measure and test consumer reactions and attitudes toward an original "guilty" advertisement and its FTC sanctioned "corrective" counterpart. The results of the study provide some clues about consumer perception of a misleading ad and the effectiveness of its corrective ad in communicating a corrective message.

Two Hypotheses

The reasoning expressed above suggests two hypotheses which were tested in an experimental setting.

- 1) A deceptive advertisement (as deemed by the FTC) is not perceived as being false, misleading, or untruthful by individuals who view it.
- 2) Individuals who view a corrective ad perceive it as not communicating a corrective message, but rather presenting a new approach/appeal for the same product.

Procedure

The experiment consisted of showing a reel of five commercials to two groups of women, with all advertisements remaining the same except for the test commercials for Profile Bread. Group I, consisting of 25 women from a local church (St. George's Episcopal Church of Austin,

Texas), viewed the original deceptive ad; whereas Group II (31 women from the Austin Civic Chorus) viewed the corrected version of the same ad. The four control commercials included ads for Post Raisin Bran, Baby Scott Diapers, Downey Fabric Softener, and Diet Rite Cola. The particular test commercial for Profile Bread was inserted third in the series of five for concealment.

Recall and consumer "attitude" were the two main factors tested in the experiment. The participants were all women, and of the "typical" housewife variety. Selection of the subjects was geared toward obtaining so-called middle-class (education, income, age variables were considered) women; it was felt that they are most likely to make the purchasing decision concerning the products advertised in the experiment. The four commercials chosen as the control advertisements were selected on the basis of their product orientation toward the housewife and would serve as adequate disguise for the test ads. It was also felt that because Profile Bread has no distribution in the Austin, Texas, area, the participants would have no experience with the product and therefore reactions would be to the commercials only and not to previous familiarity with the product.

Each group of women was assembled during break sessions of their regular meeting. A small room was acquired and the film projector and other equipment was set up in advance in order to facilitate the smoothness of the experiment. Participants were told that they were to view four or five commercials, and to assume that they were in the market for the products to be advertised. The women were aware that they would be asked some questions about the commercials after viewing the 4½ minute commercial series. The total experiment required about 15-20 minutes in time, and respondents were asked to give their first reactions and mark them accordingly. They were not aware of the nature or specific kind of questions to be answered on the questionnaire.

The questionnaire consisted mainly of two sections--two open-end questions for test of recall and the semantic differential technique for determining attitude toward the ads (see Appendix VI). It was felt that from the two initial questions notions not deduced from the scaling technique might be determined. At least one could get a feel of what some women perceive when they view a "deceptive" as opposed to seeing a "corrective" ad. The

semantic differential technique was used because of its relative ease of understanding to participants, its facility for speed in marking and in tabulation for statistical purposes, and because of its previous acceptance and application in measurement of consumer attitudes.

Because of the time constraint, only three commercials were tested (the middle three, including Baby Scott Diapers, Profile Bread, and Downey Fabric Softener). Profile Bread was the major interest and concern, but the other two commercials served matching, as well as control, purposes. Secondly, they also aided in the analysis of the results by putting the test ads in some perspective according to the ratings received on the semantic differential section of the questionnaire.

The steps in tests for statistically significant differences are as follows:

$$I. H_0: \mu_1 = \mu_2$$

the hypothesis states that there is no significant difference between the universe mean scores of the sample groups tested

CHAPTER V

RESULTS AND ANALYSIS

Of the 24 scales marked on the questionnaire, ten of these serve as a basis for analysis of the results. These ten were selected from among the total because of their direct/indirect relationship with the evaluative measure of deception and "effectiveness" in advertising. Computers on The University of Texas at Austin campus were used in the calculation and tabulation of the results of the semantic differential part of the questionnaire.

Statistical Reasoning¹

The steps in tests for statistically significant differences are as follows:

I. $H_0 : \mu_1 = \mu_2$

the hypothesis states that there is no significant difference between the universe mean scores of the sample groups tested

II. $H_a : \mu_1 \neq \mu_2$

if the null hypothesis is rejected, one assumes that there IS a significant difference and consequently, accepts the alternate Hypothesis H_a

III. $\alpha = 0.01$ (d.f.) = 2.704 and
 t (d.f. = $n_1 + n_2 - 2$) = 2.704

the level of significance chosen was 1% and the corresponding table value for $t = 2.704$

IV. Criterion: Reject H_0 (accept H_a)

if $t < -2.704$ or $t > 2.704$

V. Value of $t = \frac{(\bar{x}_1 - \bar{x}_2) - (\mu_1 - \mu_2)}{\sqrt{\frac{s_1^2 n_1 + s_2^2 n_2}{n_1 + n_2 - 2}} \sqrt{\frac{n_1 + n_2}{n_1 \cdot n_2}}}$

computer formula for computing t

VI. Decision

either accept the null hypothesis (no sig. diff.) and reject the alternate, or reject the null hypothesis and accept the alternate (sig. diff.)

In the analysis of the responses to the various commercials, the ten scales tested were grouped into three factors--truthfulness factors, relevance factors, and interest factors. A priori reasoning was used in determining the groupings and descriptive analysis elaborates

on the emergence of the factors. It would seem logical that the ten scales evaluated would fall into the three factors discussed.

Mean scores were computed for the ten scales to be analyzed on the three commercials rated by each group. To insure that the two groups of women to be tested were matched, mean scores on the ten scales were tested for significant differences on the two control commercials (Baby Scott and Downey). It was found that at a 99 percent confidence level the two groups had ratings on each of the scales essentially the same (see Table 1). This allowed for the introduction of the Profile Bread commercials into the experiment, assuming that on these ten scales the groups were statistically alike enough to be tested on the interchanged test Profile ad. Therefore, if there was found to be a significant difference in response to the two Profile commercials, it was due to the advertisement and not due to inherent differences in the groups.

Table 1 illustrates statistically the ratings of the three commercials on the scales evaluated in the experiment. The semantic differential was set up to

TABLE 1
AD RATINGS BY COMPARABLE CONSUMER GROUPS

	BABY SCOTT PIN		DOWNEY FABRIC		PROFILE BREAD		
	I	II	I	II	I	II	
TRUE	.75	1.45	.28	1.25	*-1.52	*.16	Truthfulness Factors
UNDERSTATED	-.20	.03	-.88	-1.30	*-1.66	*-.61	
BELIEVABLE	1.32	1.90	.68	.74	*-1.60	*.65	
HONEST	1.32	1.61	.66	.90	*-1.28	*.19	
IMPORTANT	.48	1.09	-.64	.38	-1.44	-.80	Relevance Factors
CONVINCING	.72	1.64	.42	1.10	-2.00	-1.32	
MEANINGFUL	.83	1.35	.42	-.13	-1.28	-.59	
EASILY UNDER.	2.04	2.60	2.10	2.16	1.56	1.56	
SOME. SPEC.	.13	.13	.29	.06	-1.72	-1.54	Interest Factors
INTERESTING	.68	.56	.96	.51	-1.00	-1.70	

GROUP I N = 25 GROUP I mean scores for 2 control ads and original deceptive ad

GROUP II N = 31 GROUP II mean scores for 2 control ads and corrected version

SCALE: Positive Factor +3 +2 +1 0 -1 -2 -3 Opposite Factor

*Significantly Different

allow for the bipolar adjective scale to be computer-oriented. Values were assigned on a scale from 3 to -3 to allow participants to agree or disagree in varying degrees according to the concept being measured.

Control Commercials

As implied in earlier discussion, the evaluation of each of the ten scales amounts to the statistical testing of two hypotheses--if the null hypothesis (no significant difference) is accepted, then the alternate hypothesis (significant difference) is rejected and vice-versa. In effect, then, each scale must be evaluated separately to obtain the overall picture of the advertisements and their effectiveness.

In Table 1 one will note that no significant differences were found in the ten scales measured among all three commercials, with the exception of the test ads for Profile Bread. These results reinforce the notion that the two samples were matched and that differences in responses to the test ads may be interpreted as true reactions to the ad and not due to unmatched samples.

Because the two control commercials are used as an aid to place the Profile commercials in some sort of

perspective, a brief evaluation of each one deserves mention. For the Baby Scott Diaper ad, Groups I and II felt it was on the whole true, believable, and honest. They felt the commercial was neither understated nor exaggerated. The respondents rated the commercial as somewhat important, convincing, and meaningful, and the two groups felt the ad was very easy to understand. The commercial was neither "something special" nor "run of the mill," but did score on the positive side of the interesting-boring scale. It is worth noting that on the 20 values calculated (ten for each of the two groups) only one was a negative absolute value. Group I rated the Baby Scott commercial very slightly exaggerated.

When it came to the Downey Fabric Softner commercial, again no significant differences were found on the ten values rated by the two groups. Overall Groups I and II felt the commercial was true, believable, and honest, although somewhat exaggerated. They scored the ad as neither important nor unimportant and neither meaningful nor meaningless. However, both groups rated the advertisement as somewhat convincing and quite easy to understand. On the "something special--run of the mill" scale,

the groups had no definite feelings, but did rate the ad on the positive side of the interesting--boring scale. As a whole, there were only four of the twenty values which scored negatively, implying that the viewers generally had positive reactions to the commercial. The easily understood scale scored the highest, as was true with all three commercials tested. But the Downey ad also rated relatively strong on the interesting, convincing, and honest scales.

Test Commercials Analysis

From Table 1, the most obvious point to note is that four significant differences were found in the responses of Group I (who viewed the deceptive ad) and Group II (who viewed the corrective version). These four scales will be discussed in further detail under the truthfulness factors evaluation.

Discussion now centers around separate evaluation of each commercial by their respective group. Group I felt very strongly that their Profile Bread ad was untrue, exaggerated, unbelievable, and dishonest. In fact, it scored negatively on nine of the ten scales measured,

with only the "easy to understand" scale scoring on the positive side. It is quite apparent that respondents maintained definite views concerning the ad--and mostly in a negative manner. The "convincing" scale was scored the lowest of the ten scales evaluated for the ad, and also had the lowest rating of any of the groups on the convincing--unconvincing scale. In fact, this "deceptive" ad for Profile Bread had the lowest scores on all ten scales evaluated of any commercial. Needless to say, the respondents were not receptive to the advertisement and its claims.

The corrected version of the same product rated significantly different on four of the ten scales, namely true-untrue, understated-exaggerated, believable-unbelievable, and honest-dishonest. However, Group I felt the ad was still somewhat exaggerated and only scored the believable scale a $+0.65$, where a $+3.00$ is "definitely believable." It might be noted that of the six remaining scales, the corrective ad scored negatively on five of them, asserting that Group II felt the commercial to be unimportant, unconvincing, meaningless, run-of-the mill, and boring. It did rate positively on the "easy to

understand" scale, but the absolute score was among the lowest relative scores obtained in the test for that scale.

Truthfulness Factor

Four scales dealt with the truthfulness factor for each advertisement---true-untrue, believable-deceiving, understated-exaggerated, honest-dishonest. From Table 2 one can readily see that these scales were the only ones to show significant differences in the ratings. It might be noted that the believable-deceiving scale received the highest score on the *t* value, meaning essentially that this test showed the most significant difference. Group I rated their commercial on the deceiving side of the scale, whereas Group II's rating fell on the believable side. It is interesting that Group I felt the original ad was more deceiving than Group II felt the corrected ad was believable (-1.6 and +.65). The important idea behind all of this is that Group II believed the corrected version substantially more than Group I believed the original version.

Relevance Factor

Of the four scales discussed in this grouping, none produced significant response differences between

TABLE 2

STATISTICAL DATA ON TWO PROFILE BREAD ADS

	\bar{x}_1	\bar{x}_2	std. error	t	Decision
TRUE-UNTRUE	-1.52	.16	.36	4.60	Reject
UNDERSTATED-EXAGGERATED	-1.66	-.16	.37	2.80	Reject
BELIEVABLE-DECEIVING	-1.60	.65	.44	5.02	Reject
HONEST-DISHONEST	-1.28	.19	.42	3.48	Reject
IMPORTANT-UNIMPORTANT	-1.44	-.80	.44	1.40	Cannot Reject
CONVINCING-UNCONVINCING	-2.00	-1.32	.41	1.65	Cannot Reject
MEANINGFUL-MEANINGLESS	-1.28	-.59	.39	1.72	Cannot Reject
EASILY UNDER.-DIFFICULT	1.56	1.56	.46	.01	Cannot Reject
SOMETHING SPEC.-RUN OF MILL	-1.72	-1.54	.38	-.44	Cannot Reject
INTERESTING-BORING	-1.00	-1.70	.43	1.64	Cannot Reject

GROUP I N = 25 \bar{x}_1 = mean score of Group I (deceptive ad for Profile)

GROUP II N = 31 \bar{x}_2 = mean score of Group II (corrected ad for Profile)

std. error = the standard error of the difference

t = the computed value of t

Decision = mean scores are significantly different (reject null hypothesis)

mean scores are not significantly different (accept null hypothesis)

the two test commercials. For example, on the important-unimportant factor, the two groups viewed their respective Profile commercial to be on the unimportant side of the scale. The same tendency holds true for the convincing-unconvincing and meaningful-meaningless scales as well. It seems that on these three scales neither commercial rated very highly as far as getting a meaningful and convincing message across to the participating housewives. One somewhat noticeable statistic is that even the straightforward corrective ad was rated -1.32 value on the convincing scale (meaning essentially that the commercial as a whole was unconvincing). However, both commercials did score positively and exactly the same on the easily understood scale. It seems that all commercials tested scored in the same direction on the scale and that participants felt quite confident and comfortable in their ability to understand the messages conveyed in the ads.

Interest Factor

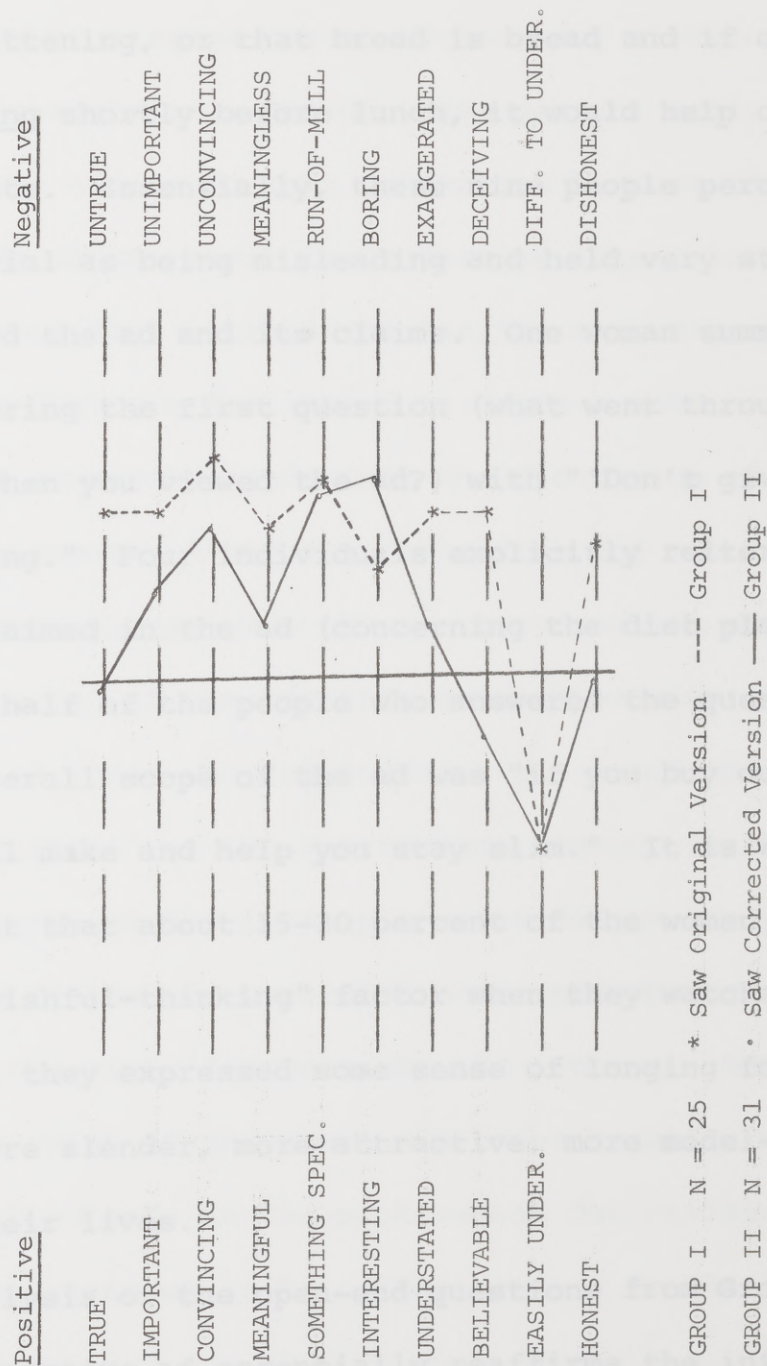
The two scales (run-of-the-mill--something special, boring--interesting) comprising the Interest Factor were

rated essentially the same for the Profile Bread commercials. Respondents felt as a whole that the corrective ad was of the run-of-the-mill variety and not something special. Group I rated the "deceptive" ad as somewhat ordinary and again implying that the ad was not that outstanding. When the groups rated their respective ads on the boring-interesting scale, they both felt the commercials were more boring than interesting. One can note the different perceptions of the two groups on the test commercials in Table 3 which illustrates in graphic form the means scores of all scales measured.

Open-End Questions

These two questions were included in the test to allow participants to express their views on the commercials they saw, in an effort to develop notions and insights not possible from the semantic differential scale. Because responses many times contained the same answer for the two questions asked, the respondents' answers were taken as a whole and analyzed from the perspective. For example, Group I, who viewed the original "guilty" ad, expressed even more strongly in their open-ended answers that they did not believe the claims made

TABLE 3
MEAN SCORES FOR GROUPS I AND II IN DIAGRAM FORM



in the ad. Of the 19 respondents who answered the questions, nine mentioned in one way or another that any bread is fattening, or that bread is bread and if one eats anything shortly before lunch, it would help curb your appetite. Essentially, these nine people perceived the commercial as being misleading and held very strong views toward the ad and its claims. One woman summed it up by answering the first question (what went through your mind when you viewed the ad?) with "'Don't give me that' feeling." Four individuals explicitly reiterated what was claimed in the ad (concerning the diet plan) and almost half of the people who answered the questions felt the overall scope of the ad was "if you buy our bread, it'll make and help you stay slim." It is worth pointing out that about 15-20 percent of the women mentioned a "wishful-thinking" factor when they watched the ad, in that they expressed some sense of longing for those younger, more slender, more attractive, more model-like years of their lives.

Analysis of the open-end questions from Group II for the corrective ad essentially reaffirms the information obtained in the semantic differential ratings. It

is interesting to note that of the 19 people who responded to these questions, only two mentioned or implied that the ad's purpose or message was to correct any misconceptions about previous claims. One of these persons aptly stated that "Profile had to do this commercial because they had earlier made claims about it containing less calories." The other said that Profile was "trying to change its image" from "being a diet bread to being a nutritious one." That statement leads into the discussion of this nutrition element. Obviously, nutrition and not calories (and not truthfulness) was the one factor which emerged as the key point of the advertisement--approximately 63 percent of those who responded on the questions mentioned "nutrition" as the outstanding element in the message. Seven of the 19 people commented on the physical setting of the ad--beautiful home, the children at the table, the tent dress worn by the actress. However, almost 25 percent of the women expressed negative reactions to Julia Meade as the spokeswoman for Profile--from "Julia Meade turns me off" to "the actress in the ad was very unconvincing." the truthfulness factor was there a

Summarizing the tabulated results from the two groups, the two test commercials were rated no differently on six of the ten scales measured (at a 1% level of significance). The four factors which produced significant differences related to a truthfulness factor (true-untrue, understated-exaggerated, believable-deceiving, honest-dishonest). Group I felt that the original deceptive ad was on the whole untrue, exaggerated, deceiving, and dishonest. Therefore, Hypothesis I is rejected on the basis that to a significant degree, the sample who viewed the "original" ad viewed it as being deceptive. On the remaining six scales the commercials statistically scored the same; meaning perception of the ad was no different on those scales. On the open-end questions, Group II seemed to be more impressed with the nutritional claims and Julia Meade's tent dress and "lovely home" than anything else. Group I maintained a wider variety of responses with its deceptive ad, but overtly spoke of not believing that this particular bread will help one lose weight. From these results, Hypothesis II is accepted, noting that only on the truthfulness factor was there a

difference in the perception of the two ads. Interpretations of this experiment and related comments are the subject of the concluding chapter.

¹Charles T. Clark and E. L. Schnede, Statistical Methods for Business Decisions (Cincinnati: Smith-Western Publishing Co., 1960), pp. 394 and 401.

FOOTNOTES

¹Charles T. Clark and L. L. Schkade, Statistical Methods for Business Decisions (Cincinnati: Smith-Western Publishing Co., 1969), pp. 394 and 401.

Inferences and Summary

In regard to the hypotheses tested in the experiment, elaboration leads to interpretation of the results. Any points can be considered as assumptions must be made, but this discussion hopes to summarize the data from the researcher's point of view. It can be said that as a whole the two control commercials scored much more favorably with the audience than the deceptive ones. This could be because of the product category (Profile Bread was the only one to make claims about a food item), or because of a negative reaction to the female model in the deceptive ad or Julia Nease in the corrected version. More important are the overall reactions of the two groups to their respective Profile Bread commercial. Certainly the deceptive ad was perceived as being so, but conversely, is the question of how truthful did the corrective ad appear to the respondents. According to the

CHAPTER VI

CONCLUSIONS AND INTERPRETATIONS

Inferences and Summary

In regard to the hypotheses tested in the experiment, elaboration lends itself to interpretation of the results. Many points can be considered as assumptions must be made, but this discussion hopes to summarize the data from the researcher's point of view. It can be said that as a whole the two control commercials scored much more favorably with the audience on the scales rated. This could be because of the product category (Profile Bread was the only one to make claims about a food item), or because of a negative reaction to the female model in the deceptive ad or Julia Meade in the corrected version. More important are the overall reactions of the two groups to their respective Profile Bread commercial. Certainly the deceptive ad was perceived as being so, but conversely, is the question of how truthful did the corrective ad appear to the respondents. According to the

data, on three of the four scales in the truthfulness factor, the supposedly "straightforward" corrective version was rated below the control commercials. For example, in the true-untrue value, the corrected version scored only $+ .156$, suggesting that participants generally felt neither one way nor the other. When it came to the understated-exaggerated scale for the test commercials, again there was a significant difference. But Group II as a whole still felt the commercial was exaggerated, however not to the same degree Group I felt about the Profile ad they saw. One possible explanation of this deals directly with the creative strategy used in the two ads. For instance, in the deceptive ad, the commercial focused its attention on a slender female model and on how by eating Profile Bread one can remain slim. But the corrected version casts a "typical housewife" mother claiming Profile Bread is nutritious. It is inherent in the unique strategies employed that one might be inclined to think "models" are more artificial as opposed to "housewives." However, it is worth noting that Group II felt the ad to be on the exaggerated side of the scale also. And it must be kept in mind that Group II's highest score

in a positive direction on all truthfulness scales was still less than +1 (for the believable scale). Concerning the interest related scales for the Profile ads, results produce negative implications for the advertiser, with special consideration for the FTC and its sanction for the corrective ad; if the ad(s) is to be "effective" it must be noticeable enough to arouse interest, and consequently, maintain the attention of the viewer in order to communicate the intended message. It seems as if the corrective ad failed to do this. However, one encouraging note for the advertiser, his agency, and the FTC is that each group rated each commercial substantially positive on the "easily understood" scale. But again, one might note that the Profile ads scored lowest on the set of scales.

In summary, then, it might seem that the corrective ad was viewed and rated much like its deceptive counterpart--with the exception of the differences observed in the truthfulness evaluations. The key notion is that although there were differences, when put in perspective with the control commercials, the corrective ad was not in itself believed to a degree comparable to that for control ads.

Pros and Cons

A brief review of the stronger and weaker points of the concept seem appropriate in the final analysis. First and foremost, the corrective advertising concept provides the Federal Trade Commission with a more potent weapon than the conventional cease and desist order to combat deceptive advertising. The new remedy is designed to inform consumers of previous deceptions found in earlier ad campaigns and to hopefully restore market share to previous standing. Corrective advertising might in effect make advertisers and their agencies more cautious (and, in turn, more truthful) about claims in their advertising. This in itself could prove helpful for the industry as a whole, protecting advertisers and skeptical consumers from the liabilities of deceptive practices. Theoretically, corrective advertising is sound, with the long range idea of "clearing the air" of misleading and false claims, not only by applying pressure on advertisers and agencies, but by helping them to be more aware and cautious of questionable claims. It might be argued that corrective ads might produce positive effects, for the idea of presenting a truthful message to clear up

"misunderstandings" could have less than detrimental effects upon the advertiser and the industry as a whole. Might consumers respect an advertiser for trying to clear up misunderstandings about previous claims and trying to tell the absolute truth?

But with all of the positive aspects in favor of corrective advertising, serious questions and doubts cloud the issue. If market share is to be reallocated back to the level it was before deception occurred, does the 25 percent for a one or two-year period accomplish the task? Inherent in this assumption is the idea that market share is increased by the deceptive campaign; what if consumers react favorably to the corrective ad? The wording of the corrected ad can be so expertly and inconspicuously done that consumers might not be able to pick up the "real" message in the advertisement. Some professionals agree with the concept, but feel the whole idea is off base--it is not the national advertisers who are causing so much damage with deceptive practices; it is the local advertisers who "reap the benefits and get away with it." Possible side-effects and loop holes might arise in trying to combat the new remedy. For example, increased use of

puffery might be the result. Instead of utilizing specific (testable) claims, advertisers might promote products and images with more general and opinionated language ads in which the FTC would have more difficulty in finding substantial fault as to require corrective advertisements by ceasing all advertising for a year. Understandably, this is not what the Commission had in mind and is certainly not what the advertiser wishes in terms of promotional campaigns. Questions arise concerning the FTC's procedure in obtaining consent orders to run corrective ads: Is one already judged and convicted by the Commission before he can present his case? If the advertiser wishes to fight the charges, is it really (cost and time) worth the monetary cost, the possible damage to company image, and the probable years of litigation for the price of not running corrective ads for a one-year period. Other problems revolving around the concept include the legality of the FTC to make such a requirement. The courts most likely will decide the issue when an advertiser stakes company reputation and attorneys' fees to argue the legal authority of the Commission to issue such an order.

Trends to Expect

So what does the future hold for corrective advertising? Is it to become the "usual" remedy for deceptive advertising practices? Gerald Thain of the Bureau of Consumer Protection of the FTC feels the trend will be toward open-ended corrective advertising orders which will remain in effect until the advertiser demonstrates by an acceptable survey that level of deception has been satisfactorily reduced. Thus the strength and duration of corrective advertising required will be tied to consumer research specifically designed to evaluate and measure the degree of deception in the market place.¹ Moreover, Robert Pitofsky expects the courts to sustain the notion of corrective advertising and that the remedy will be imposed in instances of flagrant falsehood where residual misimpressions are likely to result. He feels that after corrective advertising has been imposed a few times that advertisers and their agencies will come to realize that it is not "cruel and unusual" and makes sense from the point of view of insuring that consumers receive truthful information.²

Final Comments

It is understood that the research undertaken was based on selected and available resources, and that the experiment conducted only reflected the thoughts and ideas of those fifty or so women at that place and time. But it is hoped that through this work, that individuals concerned with and interested in corrective advertising and its ramifications can see some contribution toward the understanding and effects of the concept. More extensive and sophisticated research is certainly necessary; but pilot studies like these hopefully can aid researchers in building a basis and background for conducting valid and reliable experiments. Implications and suggestions emerge from such studies broadening the scope for professional researchers--keeping in mind that the genuine purpose of the research is to improve communication effectiveness, the reliability of results, and consequently, advertising as a whole.

FOOTNOTES

¹Personal letter from Gerald Thain, Assistant Director for National Advertising at the Bureau of Consumer Protection, to Charles H. Norman III, August 29, 1973.

²Personal letter from Robert Pitofsky to Charles H. Norman III, August 22, 1973.

APPENDICES

A P P E N D I X I

PROCTOR AND GAMBLE'S VOLUNTARY

A P P E N D I C E S

A P P E N D I X I

PROCTOR AND GAMBLE'S VOLUNTARY

CORRECTIVE AD FOR CREST

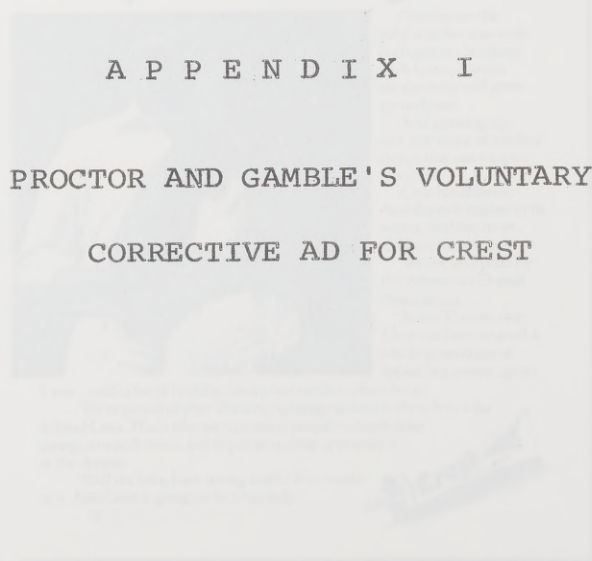
Some people misinterpreted this ad, and we're sorry.

If both parents
brush with Crest, will the
baby have strong teeth?

A P P E N D I X I

PROCTOR AND GAMBLE'S VOLUNTARY

CORRECTIVE AD FOR CREST



Heredity has nothing to do with Crest's effectiveness against cavities.

In the ad we were trying to say that if
parents use Crest, it means the children will
use it, too. And a child who grows up brushing
with Crest will have strong teeth.

But we didn't say it very well. Some
people told us they thought the ad was trying
to say that it's a hereditary benefit from Crest.

That's not. Heredity has nothing to do
with Crest's effectiveness against cavities. Crest

is effective but only for people who brush with it.

Today there's a whole generation of
babies who grew up brushing with Crest. And
there's a lot of strong, healthy teeth to show for it.

We're proud of that. Because fighting
cavities is the whole idea behind Crest.



Plus regular checkups, with flossing and more, and brush often.

Some people misinterpreted this ad, and we're sorry.

If both parents brush with Crest, will the baby have strong teeth?



Chances are the baby will. Because with both parents brushing with Crest, chances are the baby will grow up on Crest.

And growing up on Crest is one of the best things that can happen to a child.

Crest has fluoride. And fluoride makes teeth strong, healthy, more resistant to cavities.

We are accepted by the American Dental Association.

In the 15 years that Crest has been around, a whole generation of babies has grown up on

Crest...with a lot of healthy, cavity-free teeth to show for it.

We're proud of that. Because fighting cavities is the whole idea behind Crest. That's why we encourage people to brush after eating, to watch treats, and to put in regular appearances at the dentist.

Will the baby have strong teeth? If he works at it. And Crest is going to be a big help.



Heredity has nothing to do with Crest's effectiveness against cavities.

In the ad we were trying to say that if parents use Crest, chances are the children will use it, too. And a child who grows up brushing with Crest will have strong teeth.

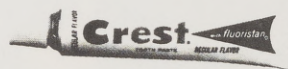
But we didn't say it very well. Some people told us they thought the ad was trying to say there is a hereditary benefit from Crest.

There isn't. Heredity has nothing to do with Crest's effectiveness against cavities. Crest

is effective but only for people who brush with it.

Today there's a whole generation of babies who grew up brushing with Crest. And there's a lot of strong, healthy teeth to show for it.

We're proud of that. Because fighting cavities is the whole idea behind Crest.



Have regular checkups, watch between-meal treats, and brush often.

FIVE MAN FEDERAL TRADE COMMISSION

UNITED STATES DEPARTMENT OF COMMERCE

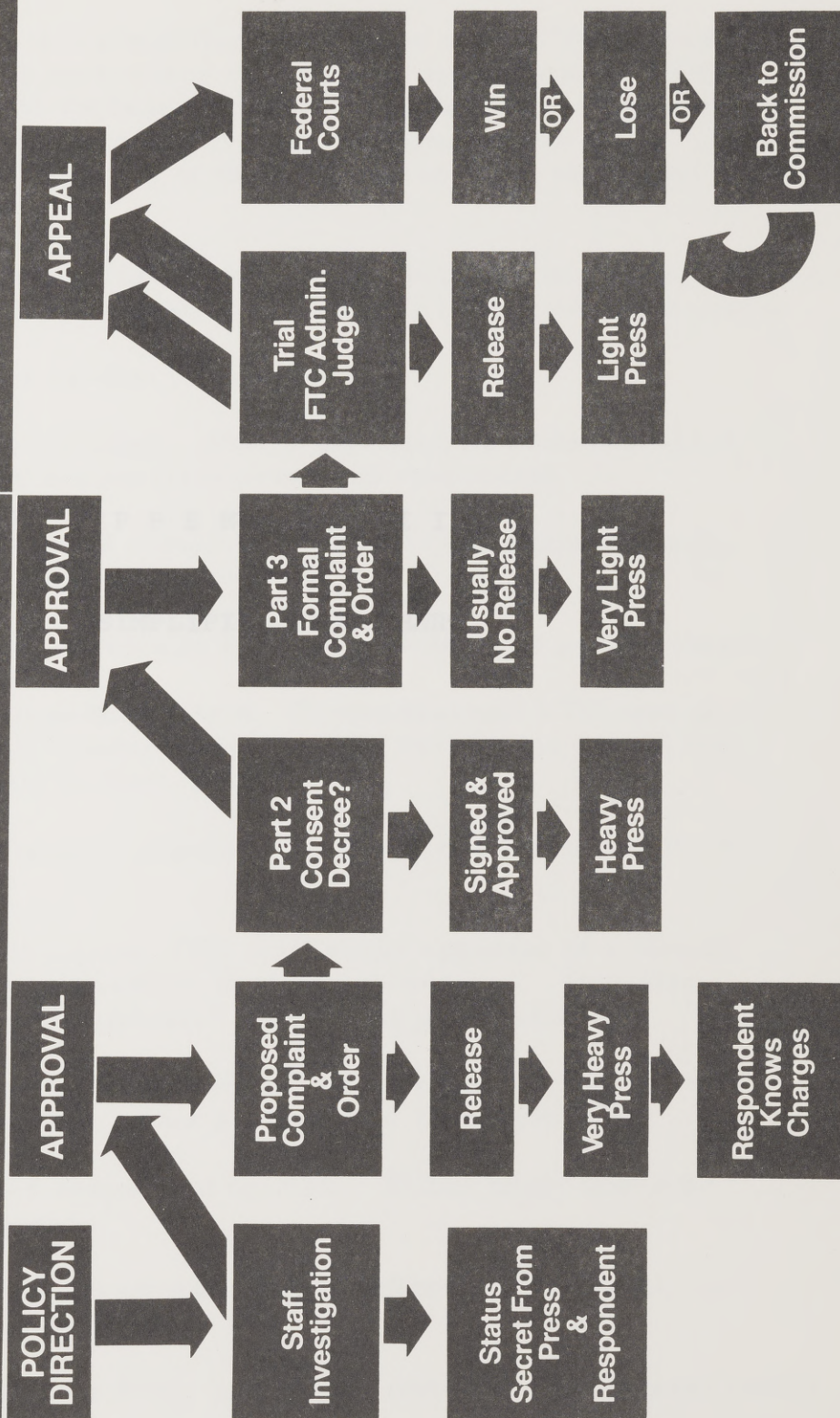
A P P E N D I X I I

FTC ADVERTISING PROCEDURE

FIVE MAN FEDERAL TRADE COMMISSION

DIRECTING INVESTIGATIVE & PROSECUTION STAFF

SITTING AS COURT OF APPEAL



SIMPLIFIED FLOW CHART OF FTC ADVERTISING PROCEDURES

The attached flow chart is a simplified description of the FTC procedure as commonly followed in advertising cases. The entire process, with the exception of appeal to the federal courts, is under the direction of the five-man Commission. It acts in directing the investigative and prosecution staff in the first part of the process, and acts as a court of appeal in the latter part.

The chart reads from left to right indicating the sequence of events from initial investigation to court appeal. Process may take from 3 to 5 years.

Typical flow through this system is as follows:

- A) Staff investigates advertising. (Policy direction by commissioners.)
Status of this activity secret from press and respondent.

A P P E N D I X I I I

- B) Staff recommend proposed complaint and order to commissioners.
Not public, nor is respondent represented.

SIMPLIFIED FLOW CHART

- C) If approved, proposed complaint and order issued with press release.

- D) So-called Part II proceedings begin. Respondent and FTC seek to clear matter through consent decree. (FTC not obliged to take this step--may go directly to Part III.)

- E) If consent decree signed, release to the press and public has thirty days to comment.

- F) If consent decree not signed, FTC staff seeks approval of a formal complaint and order. So-called Part III proceedings. This may vary from "proposed complaint." Usually no press release.

- G) Extended trial before FTC Administrative Law Judge. Testimony from both sides admitted. This process may take a year.

- H) Judge finds for either respondent or FTC. Either party then may appeal to Commissioners.

- I) Commissioners, sitting as appeal court, confirm or deny judge, or send back for further trial.

- J) If Commissioners find for FTC, respondent may appeal to federal courts.

- K) Federal courts may uphold or find against Commission, or may send case back to Commission for further activity.

SIMPLIFIED FLOW CHART
OF
FTC ADVERTISING PROCEDURES

The attached flow chart is a simplified description of the FTC procedure as commonly followed in advertising cases. The entire process, with the exception of appeal to the federal courts, is under the direction of the five-man Commission. It acts in directing the investigative and prosecution staff in the first part of the process, and acts as a court of appeal in the latter part.

The chart reads from left to right indicating the sequence of events from initial investigation to court appeal. Process may take from 3 to 5 years.

Typical flow through this system is as follows:

- A) Staff investigates advertising. (Policy direction by commissioners.) Status of this activity secret from press and respondent.
- B) Staff recommend proposed complaint and order to commissioners. Not public, nor is respondent represented.
- C) If approved, proposed complaint and order issued with press release.
- D) So-called Part II proceedings begin. Respondent and FTC seek to clear matter through consent decree. (FTC not obliged to take this step--may go directly to Part III.)
- E) If consent decree signed, release to the press and public has thirty days to comment.
- F) If consent decree not signed, FTC staff seeks approval of a formal complaint and order. So-called Part III proceedings. This may vary from "proposed complaint." Usually no press release.
- G) Extended trial before FTC Administrative Law Judge. Testimony from both sides admitted. This process may take a year.
- H) Judge finds for either respondent or FTC. Either party then may appeal to Commissioners.
- I) Commissioners, sitting as appeal court, confirm or deny judge, or send back for further trial.
- J) If Commissioners find for FTC, respondent may appeal to federal courts.
- K) Federal courts may uphold or find against Commission, or may send case back to Commission for further activity.

ED BATES & COMPANY

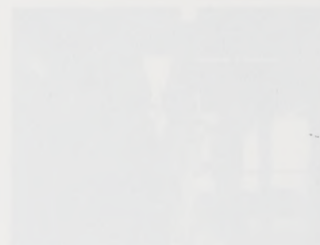
Advertising

CLIENT: ITT CONTINENTAL BAKING COMPANY
 PRODUCT: WOMAN'S PROFILE BREAD
 AS PLACED TV COMM'L NO. WFB-121
 TITLE: "TARTY"

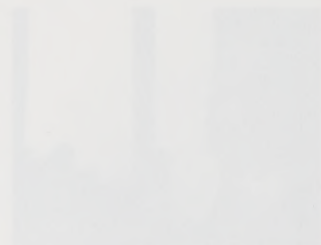
DATE: 12/12/57
 LENGTH: 30 SECONDS



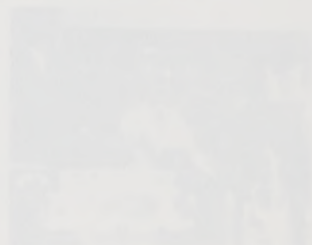
1. ANICK: (VO) WHAT'S
 "The Profile?"



2. "The Profile" is looking
 like this...



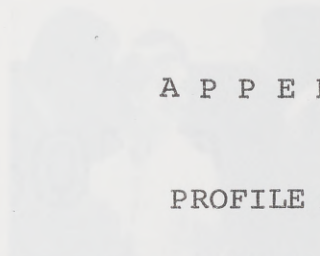
3. So you get behind at
 the time.



4. When you see "The
 Profile"...



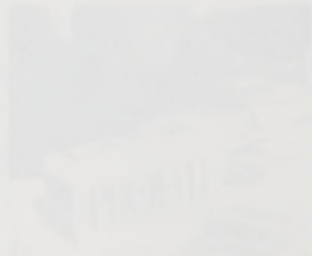
5. you find "The Profile" the
 same...



6. you find it...



7. you know
 "The Profile"?

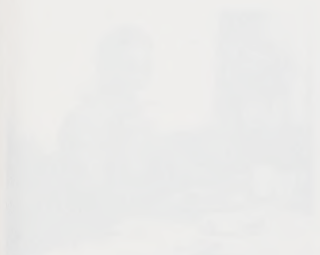


8. By following the Profile
 Bread Menu Plan you
 guarantee all your guests...

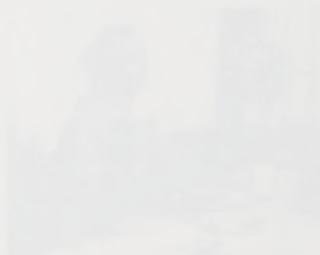
A P P E N D I X I V

PROFILE PHOTOBOARDS:

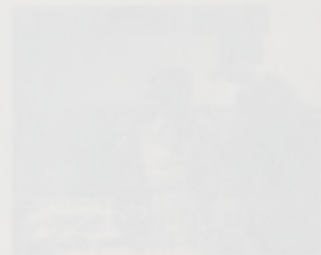
BEFORE AND AFTER



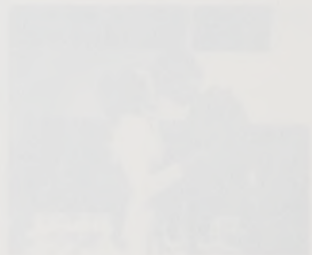
9. The Profile Photo can help
 you keep track of...



10. And obviously Profile
 has no artificial sweeteners.



11. What have you got to
 lose...



12. Forget tomorrow's
 weight.



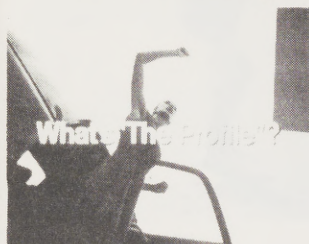
13. (MUSIC OUT)

TED BATES & COMPANY

Advertising

CLIENT: ITT CONTINENTAL BAKING COMPANY
 PRODUCT: WONDER PROFILE BREAD
 AS FILMED TV COMM'L NO: WPB-121
 TITLE: "PARTY"

DATE: 12/19/69
 LENGTH: 30 SECONDS



1. ANNCR: (VO) What's "The Profile?"



2. "The Profile" is looking like this...



3. so you get looked at like this.



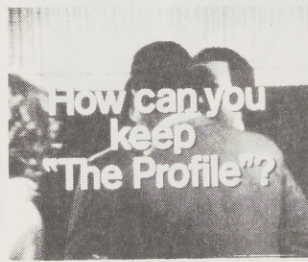
4. When you have "The Profile"...



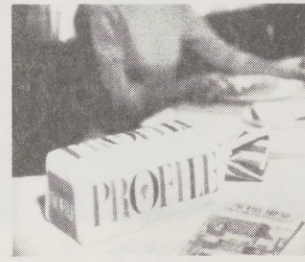
5. you not only make the scene...



6. you steal it.



7. How can you keep "The Profile?"



8. By following the Profile Bread Menu Planner available at your grocer's.



9. The Profile Plan can help you keep slender.



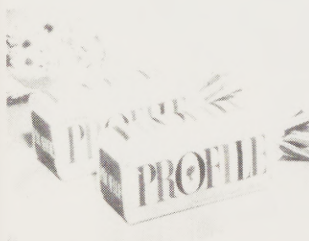
10. And delicious Profile has no artificial sweeteners.



11. What have you got to lose...



12. except tomorrow's weight.



13. (MUSIC OUT)

TED BATES & COMPANY

Advertising

CLIENT: ITT CONTINENTAL BAKING CO.
PRODUCT: WONDER PROFILE BREAD
AS FILMED TV COMM'L NO: WPB-119AX,
TITLE: "MALIBU/OPAQUE" WPB-119A

DATE: 9/3/69
LENGTH: 30 SECONDS



1. (SILENT)



2. ANNCR: How do some women stay so slender and young looking?



3. Many follow the Profile Bread Plan.



4. 30 minutes before lunch and dinner



5. eat two slices of Profile Bread toasted or plain.



6. Like any good protein-carbohydrate food,



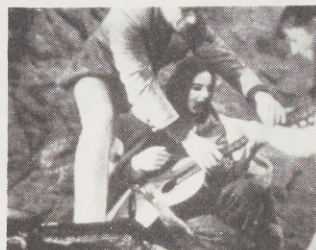
7. Profile helps curb your appetite...



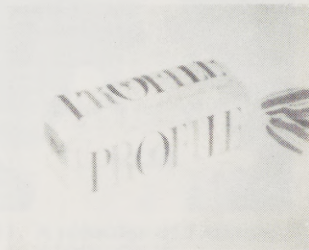
8. helps prolong your Slender Years.



9. Profile --tender, oven-fresh slices with golden sesame seeds.



10. Remember: you don't have to be on a diet



11. to love Profile Bread.

TED BATES & COMPANY

Advertising

CLIENT: ITT CONTINENTAL BAKING COMPANY

PRODUCT: PROFILE BREAD

AS FILMED TV COMM'L NO: ITBP0030

TITLE: "JULIA MEADE/SPOKESWOMAN"

DATE: 8/4/71

LENGTH: 60 SECONDS



1. JULIA: Hi, I'm Julia Meade, for Profile Bread.



2. And like all mothers,



3. I'm concerned about nutrition and balanced meals.



4. So I'd like to clear up any misunderstandings you may have



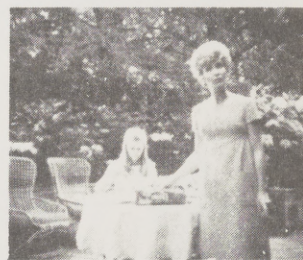
5. about Profile Bread from its advertising or even its name.



6. Does Profile have fewer calories than other breads?



7. No, Profile has about the same per ounce as other breads.



8. To be exact, Profile has 7 fewer calories per slice.



9. That's because it's sliced thinner.



10. But eating Profile will not cause you to lose weight.



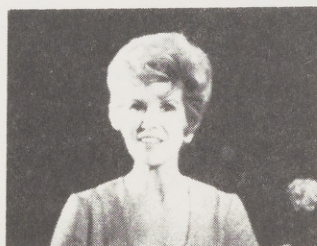
11. A reduction of 7 calories is insignificant.



12. It's total calories and balanced nutrition that count.



13. And Profile can help you achieve a balanced meal



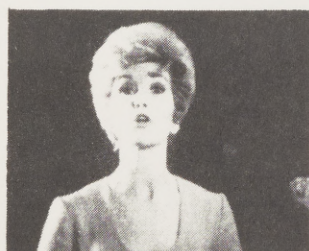
14. because it provides proteins and B vitamins as well as other nutrients.



15. How does my family feel about Profile?



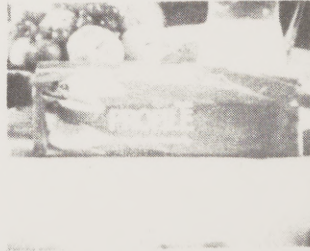
16. Well, my children love Profile sandwiches --



17. my husband likes Profile toast --



18. and I prefer Profile to any other bread.



19. At our house,



20. delicious taste makes Profile a family affair.

TED BATES & COMPANY

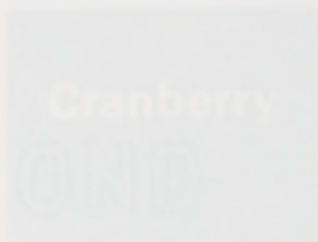
Advertising

CLIENT: OCEAN SPRAY CRANBERRIES, INC.
 PRODUCT: OCEAN SPRAY CRANBERRY JUICE COCKTAIL
 AS FILMED TV COMM'L NO.: 05C10012
 TITLE: "WONNETTES II W/V 2"

DATE: 10/19/76
 LENGTH: 30 SECONDS



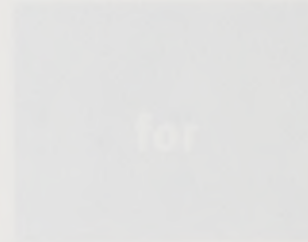
1. (ORIGINAL)



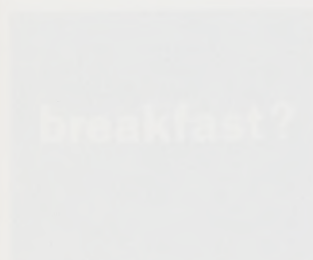
2. MAN 1: Cranberry



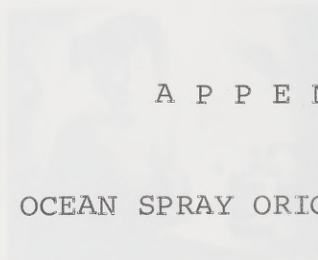
3. Juice



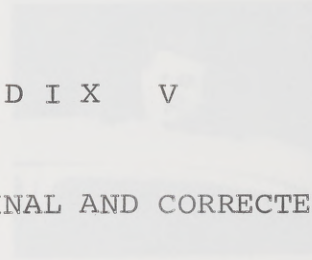
4. For



5. breakfast



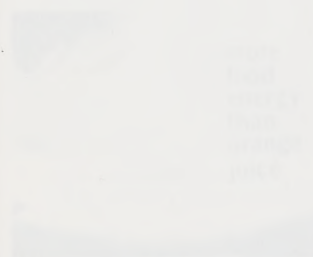
6. WOMAN 1: Cranberry Juice - great for breakfast. Tasty. Refreshing.



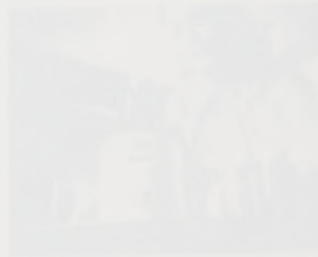
7. MAN 2: Cranberry Juice starts me more tired energy than orange juice.



8. MAN 3: My customers start every day with Ocean Spray.



9. ANCHOR: Ocean Spray Cranberry Juice Cocktail has more food energy than orange juice.



10. WOMAN 2: Orange juice, not like Cranberry Juice better.



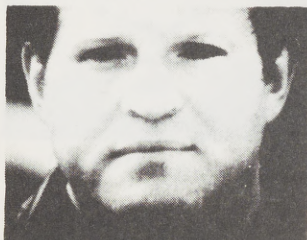
11. (OFF) ANCHOR: Ocean Spray Cranberry Juice Cocktail, the other breakfast juice about 4 individual servings.

TED BATES & COMPANY

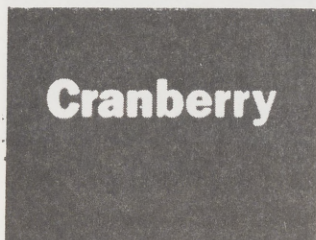
Advertising

CLIENT: OCEAN SPRAY CRANBERRIES, INC.
 PRODUCT: OCEAN SPRAY CRANBERRY JUICE COCKTAIL
 AS FILMED TV COMM'L NO: OSCJ0012
 TITLE: "VIGNETTES II REV. 2"

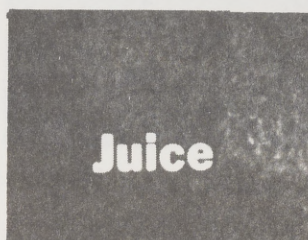
DATE: 10/19/70
 LENGTH: 30 SECONDS



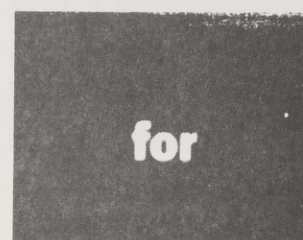
1. (SILENT)



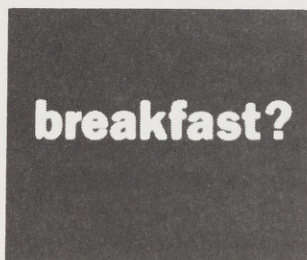
2. MAN 1: Cranberry



3. Juice



4. for



5. breakfast?



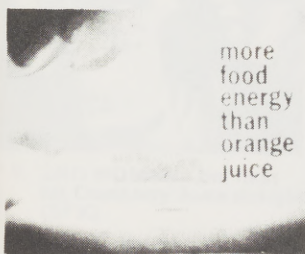
6. WOMAN 1: Cranberry Juice - great for breakfast. Tingly. Hmmm.



7. MAN 2: Cranberry Juice gives me more food energy than orange juice.



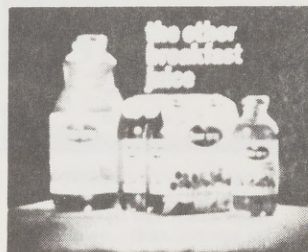
8. MAN 3: My customers start every day with Ocean Spray.



9. ANNCR: Ocean Spray Cranberry Juice Cocktail has more food energy than orange juice.



10. WOMAN 2: Orange juice, we like Cranberry Juice better.



11. (SFX) ANNCR: Ocean Spray Cranberry Juice Cocktail, the other breakfast juice now in 4 individual servings.

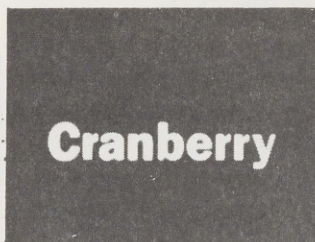
TED BATES & COMPANY

Advertising

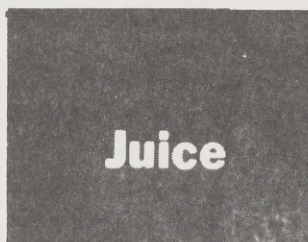
CLIENT: OCEAN SPRAY CRANBERRIES, INC.
 PRODUCT: OCEAN SPRAY CRANBERRY JUICE COCKTAIL
 AS FILMED TV COMM'L NO: OSCJ0015
 DATE: 10/15/70
 TITLE: "VIGNETTES III REV. 2"
 LENGTH: 30 SECONDS



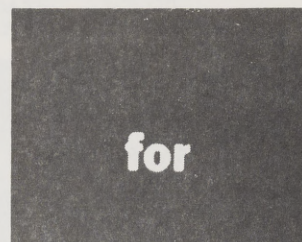
1. (SILENT)



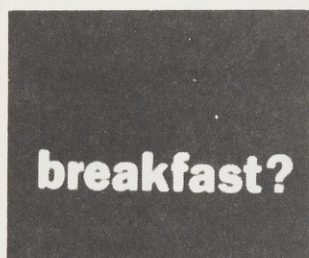
2. MAN: Cranberry



3. Juice



4. for



5. breakfast?



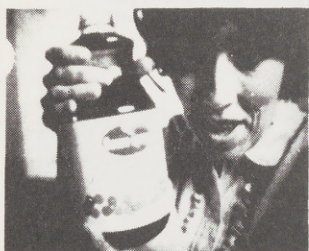
6. 1ST WOMAN: We got tired of orange juice, every day



7. so I tried Ocean Spray Cranberry Juice Cocktail.



8. Oh it tastes better and has more food energy than Orange Juice!



9. 2ND WOMAN: Jim likes his Cranberry Juice straight. (SFX)



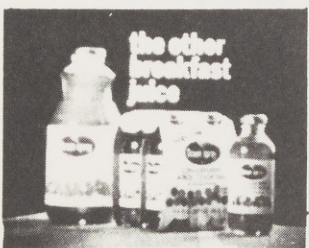
10. Jimmy mixes his with Orange Juice.



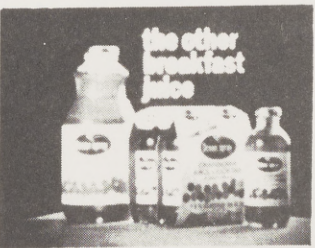
11. ANNCR: (VO) Ocean Spray Cranberry Juice Cocktail has more food energy...than orange juice...



12. 3RD WOMAN: Refreshing new taste, too!



13. ANNCR: Ocean Spray Cranberry Juice Cocktail. The other breakfast juice.



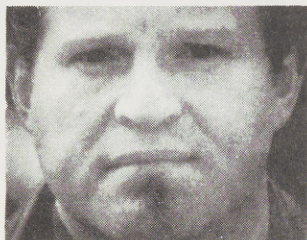
14. Now in 4 individual servings.

TED BATES & COMPANY

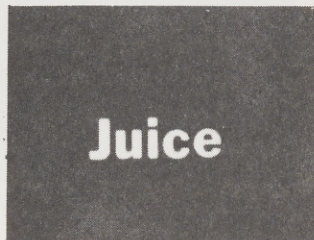
Advertising

CLIENT: OCEAN SPRAY CRANBERRIES, INC.
 PRODUCT: OCEAN SPRAY CRANBERRY JUICE COCKTAIL
 AS FILMED TV COMM'L NO: CJC-16R
 TITLE: "VIGNETTES III"

DATE: 3/25/70
 LENGTH: 30 SECONDS



1. (SILENT)



2. MAN'S VOICE: Cranberry Juice for breakfast?
 ECHO: For breakfast.... for breakfast....



3. 1ST WOMAN: We got tired of orange juice, every day



4. so I tried Ocean Spray Cranberry Juice Cocktail.



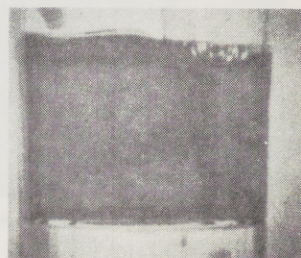
5. Oh it tastes better and has more food energy than Orange Juice!



6. 2ND WOMAN: Jim likes his Cranberry Juice straight. (SFX)



7. Jimmy mixes his with Orange Juice.



8. ANNCR: (VO) Ocean Spray Cranberry Juice Cocktail



9. has more food energy... than orange juice...



10. 3RD WOMAN: Refreshing new taste, too!



11. ANNCR: (VO) Ocean Spray Cranberry Juice Cocktail.



12. The other breakfast juice.

TED BATES & COMPANY

Advertising

CLIENT: OCEAN SPRAY CRANBERRIES, INC.

PRODUCT: OCEAN SPRAY CRANBERRY JUICE COCKTAIL

AS FILMED TV COMM'L NO: CJC-15R

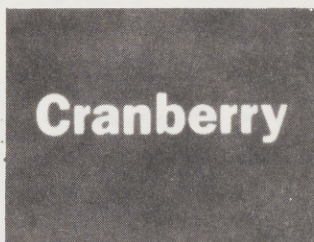
TITLE: "VIGNETTES II"

DATE: 3/25/70

LENGTH: 30 SECONDS



1. (SILENT)



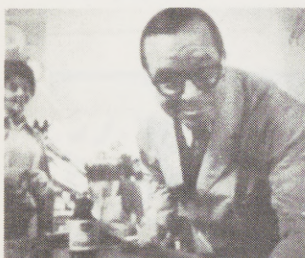
2. MAN 1: Cranberry Juice for breakfast? ECHO: For breakfast....for breakfast.



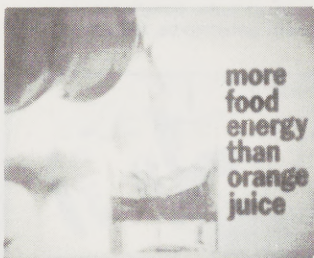
3. WOMAN 1: Cranberry Juice great for breakfast. Tingly. Hmm...



4. MAN 2: Cranberry Juice gives me more food energy than orange juice.



5. MAN 3: My customers start every day with Ocean Spray.



6. ANNCR: Ocean Spray Cranberry Juice Cocktail



7. has more food energy than orange juice.



8. WOMAN 2: Orange Juice,



9. we like Cranberry Juice better.



10. (SFX) ANNCR: Ocean Spray Cranberry Juice Cocktail,



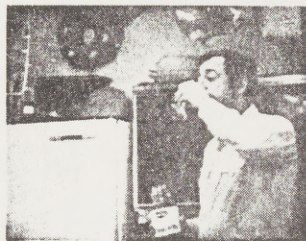
11. the other breakfast juice.

TED BATES & COMPANY

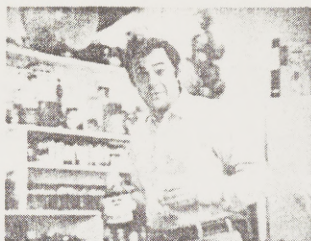
Advertising

CLIENT: OCEAN SPRAY CRANBERRIES, INC.
 PRODUCT: CRANBERRY JUICE COCKTAIL
 AS FILMED TV COMM'L NO: OSCJ0090
 TITLE: "SPOKESMAN"

DATE: 10/18/72
 LENGTH: 30 SECONDS



1. (SILENT)



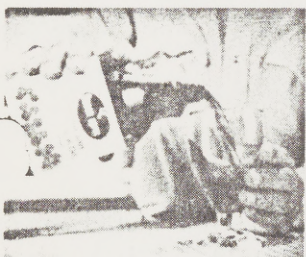
2. SPOKESMAN: If you've wondered what some of our earlier advertising meant



3. when we said Ocean Spray Cranberry Juice Cocktail has more food energy



4. than orange juice or tomato juice, let us make it clear.



5. We didn't mean vitamins or minerals.



6. Food energy means calories. Nothing more.



7. Food energy is important at breakfast



8. since many of us may not get enough calories or food energy



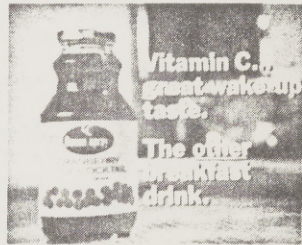
9. to get off to a good start.



10. Ocean Spray Cranberry Juice Cocktail helps because



11. it contains more food energy than most other breakfast drinks.



12. Ocean Spray.

COMMERCIAL FOR _____

1. What went through your mind when you viewed the ad?
2. What do you think was the main point or message of the ad?

weak	_____	_____	_____	_____	_____	_____	_____	strong
informative	_____	_____	_____	_____	_____	_____	_____	insignificant
heavy	_____	_____	_____	_____	_____	_____	_____	light
true	_____	_____	_____	_____	_____	_____	_____	untrue
complex	_____	_____	_____	_____	_____	_____	_____	simple
important	_____	_____	_____	_____	_____	_____	_____	unimportant
convincing	_____	_____	_____	_____	_____	_____	_____	unconvincing
for me	_____	_____	_____	_____	_____	_____	_____	not for me
glamicky	_____	_____	_____	_____	_____	_____	_____	straightforward
disagreeable	_____	_____	_____	_____	_____	_____	_____	tasteful
usual	_____	_____	_____	_____	_____	_____	_____	unusual
bad	_____	_____	_____	_____	_____	_____	_____	good
worthless	_____	_____	_____	_____	_____	_____	_____	waste of time
meaningful	_____	_____	_____	_____	_____	_____	_____	meaningless
run-of-mill	_____	_____	_____	_____	_____	_____	_____	something special
boring	_____	_____	_____	_____	_____	_____	_____	interesting
harmful	_____	_____	_____	_____	_____	_____	_____	harmless
understated	_____	_____	_____	_____	_____	_____	_____	exaggerated
pleasant	_____	_____	_____	_____	_____	_____	_____	unpleasant
believable	_____	_____	_____	_____	_____	_____	_____	deceiving
would buy	_____	_____	_____	_____	_____	_____	_____	would not buy
after seeing	_____	_____	_____	_____	_____	_____	_____	after seeing
awkward	_____	_____	_____	_____	_____	_____	_____	graceful
easily under-	_____	_____	_____	_____	_____	_____	_____	difficult to
standable	_____	_____	_____	_____	_____	_____	_____	understand
honest	_____	_____	_____	_____	_____	_____	_____	dishonest

A P P E N D I X V I

QUESTIONNAIRE USED IN

ORIGINAL RESEARCH

Age: 15-25 26-35 36-49 50 & Over

Marital Status: Married Single

Education Completed: Grade School Some High School High School

 Some College Col. Grad.

COMMERCIAL FOR _____

1. What went through your mind when you viewed the ad?
2. What do you think was the main point or message of the ad?

weak	_____	_____	_____	_____	_____	_____	_____	strong
informative	_____	_____	_____	_____	_____	_____	_____	insignificant
heavy	_____	_____	_____	_____	_____	_____	_____	light
true	_____	_____	_____	_____	_____	_____	_____	untrue
complex	_____	_____	_____	_____	_____	_____	_____	simple
important	_____	_____	_____	_____	_____	_____	_____	unimportant
convincing	_____	_____	_____	_____	_____	_____	_____	unconvincing
for me	_____	_____	_____	_____	_____	_____	_____	not for me
gimmicky	_____	_____	_____	_____	_____	_____	_____	straightforward
distasteful	_____	_____	_____	_____	_____	_____	_____	tasteful
usual	_____	_____	_____	_____	_____	_____	_____	unusual
bad	_____	_____	_____	_____	_____	_____	_____	good
worthwhile	_____	_____	_____	_____	_____	_____	_____	waste of time
meaningful	_____	_____	_____	_____	_____	_____	_____	meaningless
run-of-mill	_____	_____	_____	_____	_____	_____	_____	something special
boring	_____	_____	_____	_____	_____	_____	_____	interesting
harmful	_____	_____	_____	_____	_____	_____	_____	harmless
understated	_____	_____	_____	_____	_____	_____	_____	exaggerated
pleasant	_____	_____	_____	_____	_____	_____	_____	unpleasant
believable	_____	_____	_____	_____	_____	_____	_____	deceiving
would buy after seeing	_____	_____	_____	_____	_____	_____	_____	would not buy after seeing
awkward	_____	_____	_____	_____	_____	_____	_____	graceful
easily under- derstable	_____	_____	_____	_____	_____	_____	_____	difficult to understand
honest	_____	_____	_____	_____	_____	_____	_____	dishonest

Age: 18-25

26-35

36-49

50 & Over

Marital Status:

Married

Single

Education Completed:

Grade School

Some High School

High School

Some College

Col. Grad.

SELECTED BIBLIOGRAPHY

American Advertising Federation, 1972 Convention and Public Affairs Conference, "Advertising and the Law," Panel Discussion.

Anderson, David A., and Jonathan Winer. "Corrective Advertising: The FTC's New Formula For Effective Relief," Texas Law Review, Vol. 58, No. 2 (January 1972), pp. 313-333.

Clark, Charles F., and L. L. Schkade. Statistical Methods

SELECTED BIBLIOGRAPHY

Colihan, William J., Jr. "An Overview of the Washington Scene," Speech before the American Association of Advertising Agencies Eastern Annual Conference, June 5, 1972.

"Continental Says: It Will Stop Corrective Ads," Advertising Age (May 23, 1972), pp. 1 and 112.

Crichton, John. "Consumerism and Government Regulation in the USA," Speech to the Institute of Practitioners in Advertising, November 3, 1972.

Dillon, Tom. "How the FTC Stacks the Deck," Speech before the American Association of Advertising Agencies, May 19, 1972.

Felix, Kent. "Who's That Knocking at My Door?" Speech before the American Association of Advertising Agencies, June 5, 1972.

"FTC Modifies Corrective Advertising Provision of Order Against 2 Sugar Trade Associations," Federal Trade Commission News, November 16, 1972.

S E L E C T E D B I B L I O G R A P H Y

American Advertising Federation, 1972 Convention and Public Affairs Conference, "Advertising and the Law," Panel Discussion.

Anderson, David A., and Jonathan Winer. "Corrective Advertising: The FTC's New Formula For Effective Relief," Texas Law Review, Vol. 50, No. 2 (January 1972), pp. 312-333.

Clark, Charles T. and L. L. Schkade. Statistical Methods for Business Decisions. Cincinnati: Smith-Western Publishing Co., 1969.

Colihan, William J., Jr. "An Overview of the Washington Scene," Speech before the American Association Agencies Eastern Annual Conference, June 5, 1972.

"Continental Says: It Will Stop Corrective Ads," Advertising Age (May 22, 1972), pp. 1 and 122.

Crichton, John. "Consumerism and Government Regulation in the USA," Speech to the Institute of Practitioners in Advertising, November 3, 1972.

Dillon, Tom. "How the FTC Stacks the Deck," Speech before the American Association of Advertising Agencies, May 19, 1972.

Felix, Kent. "Who's That Knocking at My Door?" Speech before the American Association of Advertising Agencies, June 5, 1972.

"FTC Modifies Corrective Advertising Provision of Order Against 2 Sugar Trade Associations," Federal Trade Commission News, November 16, 1972.

"FTC Order Against 2 Sugar Trade Associations Requires Corrective Ads and Bans False Claims," Federal Trade Commission News (August 18, 1972), p. 1.

Greenstein, Kenneth. "Advertising and the New FTC," Speech before the Seminar for Account Service People in the American Association Agencies, September 27, 1972.

Jentz, Gaylord A. "Federal Regulation of Advertising: Representations of Composition, Character, of Source and Deceptive Television Demonstrations," American Business Law Journal, Vol. 6, No. 1 (Spring 1968), p. 409.

Jones, Mary Gardner, FTC Commissioner. Personal letter to Charles H. Norman, III, August 3, 1973.

Kirkpatrick, Miles W. "Responsibility, Reformation and Regulation--With or Without Tears," Speech before the American Association of Advertising Agencies, March 16, 1972.

Movat, Lucia. "'Subtle' Ad Deception Keeps FTC Officials on Their Toes," Austin American-Statesman, August 26, 1973, p. B17.

"Ocean Spray Must Run Corrective Ads on Food Energy," Advertising Age (May 8, 1972), pp. 1 and 133.

"Order Bans False Claims for Cranberry Drink, Requires Corrective Ads," Federal Trade Commission News Summary, No. 10, May 1-15, 1972.

Pitofsky, Robert. "Advertising and the New Consumerism," Speech before the American Association of Advertising Agencies, May 14, 1971.

Pitofsky, Robert. Personal letter to Charles H. Norman, III, August 22, 1973.

Preston, Ivan L., and Ralph H. Johnson. "Puffery--A Problem the FTC Didn't Want (and May Try to Eliminate)," Journalism Quarterly, Vol. 49, No. 3 (Autumn 1972), p. 558.

"Profile Bread Involved in FTC's First Corrective Advertising Order," Federal Trade Commission News, July 2, 1971.

"Researcher Shows Impact of Implied Deception," Advertising Age (April 12, 1973), p. 2.

Revett, John. "FTC Staff Drops Corrective Remedy as Hi-C Appeal Takes New Approach," Advertising Age (March 19, 1973), p. 3.

Simon, Morton J. The Law for Advertising and Marketing. New York: W. W. Norton and Co., 1956.

"Sugar Groups Agree to Run Corrective Advertising," Advertising Age (August 21, 1972), p. 1.

Thain, Gerald. "New Remedies of the FTC," Speech before the Subcommittee on Activities of Regulatory Agencies Relating to Small Business, June 18, 1971.

Thain, Gerald, Assistant Director for National Advertising Protection. Personal letter to Charles H. Norman, III, August 29, 1973.

"TWA Runs Corrective Ads to Settle CAB Complaint," Advertising Age (April 9, 1973), p. 86.

Watson, Carl M., Director of Broadcast Standards at the National Broadcasting Company, Inc. Personal letter to Charles H. Norman, III, June 15, 1973.

Permanent Address: 505 N. Service
Odessa, Texas 79762

This thesis was typed by Frances Woods.

The vita has been removed from the digitized version of this document.